

---

## DEPARTMENT OF EDUCATION

### I. School Financing

#### Formula amount

- Specifies a formula amount of \$5,900 per pupil, for fiscal year 2016, and \$6,000 for fiscal year 2017.

#### State share index

- Revises the calculation of a district's "state share index" by:
  - Calculating an "income index" that is based on both a district's median Ohio adjusted gross income and average federal adjusted gross income; and
  - Revising the calculation of a district's "wealth index" factor of the computation by basing it on both a district's "median income index" and a district's "income index."

#### Targeted assistance supplemental funding

- Revises the calculation of targeted assistance supplemental funding by providing this funding to districts with more than 10% agricultural real property but not to those with 10% or less agricultural real property, as well as making other changes to the formula.
- Removes a requirement that districts must receive targeted assistance funding (which is based on a district's value and income) in order to receive targeted assistance supplemental funding.

#### Categorical payments (PARTIALLY VETOED)

- Revises the dollar amounts for each category of special education services.
- Revises the dollar amounts for the calculation of kindergarten through third-grade literacy funds.
- Maintains the dollar amount for economically disadvantaged funds from fiscal year 2015 for both years of the biennium, and revises the calculation of the "economically disadvantaged index for a school district" that is used as a factor in computing economically disadvantaged funds.
- Maintains the dollar amounts for each category of limited English proficient students from fiscal year 2015 for both years of the biennium.



- Maintains the dollar amount for gifted identification funds and for each gifted unit from fiscal year 2015 for both years of the biennium.
- Revises the dollar amounts for each category of career-technical education programs and career-technical associated services.
- Would have eliminated the requirement that a joint vocational school district spend at least 75% of its career-technical education funding on costs directly associated with career-technical education programs and not more than 25% on personnel expenditures (VETOED).

### **Additional payments**

- Requires the Department of Education to make an additional payment of "capacity aid" funds to city, local, and exempted village school districts based on how much one mill of taxation will raise in revenue.
- Requires the Department to pay an additional "graduation bonus" to each city, local, and exempted village school district, joint vocational school district, community school, and STEM school based on how many of its students graduate.
- Requires the Department to pay an additional "third-grade reading bonus" to each city, local, and exempted village school district and community school based on how many of its third grade students score proficient or higher on the English language arts assessment.

### **Transportation funding**

- Specifies that a school district's transportation funding be calculated using a multiplier that is the greater of 50% (rather than 60% as under prior law) or the district's state share index.
- Requires the Department to pay each school district a transportation supplement based on its rider density.
- Removes the requirement that each city, local, and exempted village school district report all data used to calculate transportation funding through the Education Management Information System (EMIS).
- Removes the requirement that a community school that enters into an agreement to transport students or accepts responsibility to do so must provide or arrange free transportation for its students who would otherwise be transported by their districts.



- Clarifies that payments to a community school for transporting students must be calculated on a "per rider basis."

### **Payment caps and guarantees (PARTIALLY VETOED)**

- Specifies that a city, local, or exempted village school district's aggregate core foundation funding, excluding specified payments, and pupil transportation funding may not increase to more than 7.5% of the previous year's state aid in each fiscal year of the biennium.
- Specifies that a joint vocational school district's aggregate core foundation funding, excluding specified payments, may not increase to more than 7.5% of the previous year's state aid in each fiscal year of the biennium.
- Guarantees that all districts receive at least the same amount of state aid in each fiscal year of the biennium as in fiscal year 2015, other than career-technical education and career-technical education associated services funding received for fiscal year 2017.
- Would have guaranteed that all districts received a minimum amount in total per-pupil state operating funding (VETOED).

### **Straight A Program**

- Extends the Straight A Program to fiscal years 2016 and 2017, and (1) permits governmental entities partnering with educational entities to apply for grants, (2) requires the governing board to issue a "timely decision" on a grant rather than within 90 days, and (3) eliminates the committee that annually reviewed the program.

### **Other funding provisions**

- Specifies that the amount a school district or community school must pay to a joint vocational school district providing special education to a student of the district or school for costs that exceed the funding the joint vocational district receives must be calculated using a formula approved by the Department.
- Specifies that a city, local, or exempted village school district may enroll under its interdistrict open enrollment policy an adjacent or other district student who is a preschool child with a disability.
- Requires the Department to pay to a district that enrolls under its open enrollment policy an adjacent or other district student who is a preschool child with a disability,



and to deduct from the state education aid of the student's resident district, \$4,000 for that student.

- Permits a district providing special education to a preschool child with a disability who resides in another district under an agreement between the districts to require the district of residence to pay the full amount (rather than half) of the tuition of the district providing the education.
- Modifies the permitted uses of Auxiliary Services Funds.
- Specifies in an uncodified provision that if the appropriation for nonpublic school administrative cost reimbursement is sufficient, the Department may pay up to \$420 per pupil for each school year, rather than \$360 per pupil as under permanent law.

## **II. Community Schools**

- Requires an educational service center sponsoring a conversion school to be approved as a sponsor by the Department.
- Changes the definition of "Internet- or computer-based community school" to include a school that offers career-technical education, even if it provides some classroom-based instruction.
- Permits a community school that satisfies specified requirements to be licensed by the Department to operate a preschool program and establishes requirements and limitations for that program.
- Requires the Department, by July 1, 2016, to submit and present to the House and Senate Education committees a plan that proposes the expansion of the Department's authority to directly authorize community schools and recommendations for a rating rubric for community school sponsor evaluations.
- Requires the Department, in conjunction with an Ohio educational service center association and an Ohio gifted children association, to submit to the House and Senate Education and Finance committees and subcommittees a feasibility analysis of the establishment of 16 regional community schools for gifted children.

### **Access to school district property and exceptions**

- Requires a school district, when it decides to sell real property, to first offer it to high-performing community schools and newly established community schools with a community school model that has a track record of high quality academic performance.



- Requires a school district, when it is required to offer unused school facilities for lease or sale, to first offer the facilities for sale or lease to high-performing community schools sponsored by the district.
- Prohibits community schools and public college-preparatory boarding schools from selling any property purchased from a school district by way of mandatory sale within five years of purchasing that property, unless the sale is to another community school or college-preparatory boarding school located in the district.
- Temporarily permits a city school district to offer district property for purchase or lease by a nonprofit corporation operating a professional sports museum located in the same municipal corporation, instead of offering a right of first refusal to community schools or college-preparatory boarding schools or conducting a sale by auction.
- Extends the expiration date of a provision permitting a school district to offer highest priority to purchase an athletic field to the current leaseholder from December 31, 2015, to December 31, 2017.

### **III. State Testing and Report Cards**

#### **State assessments**

- Prohibits funds appropriated from the General Revenue Fund from being used to purchase an assessment developed by the Partnership for Assessment of Readiness for College and Careers for use as the state elementary and secondary achievement assessments.
- Prohibits federal Race to the Top program funds from being used for any purpose related to the state elementary and secondary achievement assessments.
- Requires the state Superintendent to verify by July 30, 2015, that:
  - The state elementary and secondary achievement assessments for the 2015-2016 school year will be administered once each year, not over multiple testing windows, and in the second half of the school year; and
  - The length of those assessments will be reduced as compared to the assessments that were administered in the 2014-2015 school year, "in order to provide more time for classroom instruction and less disruption in student learning."
- If the 2015-2016 state achievement assessments do not meet the conditions described above, requires the state Superintendent to take the steps necessary to find and



contract with one or more entities to develop and provide assessments that meet the prescribed conditions.

- Extends through the 2015-2016 school year, the prohibition, formerly in effect for the 2014-2015 school year only, that:
  - Prohibits school districts and schools from being required to administer the state achievement assessments in an online format;
  - Permits a district or school to administer the assessments in any combination of online and paper formats at the discretion of the district board or school governing authority; and
  - Requires the Department of Education to furnish, free of charge, all required state assessments for the school year.
- Revises the deadline by which the scores on state elementary and secondary achievement assessments must be sent to school districts and schools beginning with the 2015-2016 school year.
- Makes eligible for high school graduation an individual who entered ninth grade *prior* to the 2014-2015 school year, if that person completes one of the three graduation pathways otherwise required for high school students who began ninth grade after that date.
- Makes eligible for high school graduation a person who entered ninth grade *prior* to the 2014-2015 school year, and who has not passed all areas of the Ohio Graduation Tests (OGT), if the person meets a graduation requirement (established by rules adopted by the State Board of Education) that combines partial passage of the OGT and completion of a graduation pathway.
- Exempts students enrolled in a chartered nonpublic school that is accredited through the Independent School Association of the Central States (ISACS) from:
  - The requirement to complete one of three prescribed pathways for high school graduation;
  - The requirement to take the high school end-of-course examinations; and
  - The requirement to take the nationally standardized assessment that measures college and career readiness.
- Authorizes a non-ISACS chartered nonpublic school to forgo the end-of-course exams if it administers an alternative assessment that may be used as an additional



pathway for high school graduation, and applies this exemption to all students enrolled in such a school, including students attending under a state scholarship program.

- Applies to non-ISACS schools only, instead of all chartered nonpublic schools as under prior law, the separate exemption from administering the end-of-course exams if the school publishes the results of the college and career readiness assessments that must be administered to its students.
- Maintains the scholarship eligibility of a student attending a non-ISACS school that elects to forgo the end-of-course exams, provided that the student continues to satisfy all other conditions of the student's scholarship program.
- Creates an additional pathway for high school graduation for students of a non-ISACS school by authorizing such a student to graduate if the student attains a designated score on an alternative assessment approved by the Department and selected by the school.
- Beginning with the 2015-2016 school year, requires the reading skills assessments administered under the third-grade reading guarantee to be completed annually by September 30 for grades 1 to 3, and by November 1 for kindergarten.

### **State report cards**

- Requires the State Board to establish proficiency percentages to meet each report card indicator that is based on a state assessment and sets deadlines by which the proficiency percentages must be established.
- Makes permissive, rather than mandatory as under prior law, the development of the high school student academic progress measure by the State Board.
- Prohibits the grade for the high school student academic progress measure, if developed by the State Board, from being reported sooner than the 2017-2018 school year.
- Prohibits the high school academic progress measure from being included in determining a district or school's overall report card grade.
- Extends through the 2016-2017 school year the provision, previously in effect for the 2014-2015 school year only, that prohibits the Department from assigning an overall letter grade for a school district or school.





- Extends the following prohibitions, which already apply to the state elementary-level achievement assessments and high school end-of-course exams administered in the 2014-2015 school year, to those administered in 2015-2016 and 2016-2017:
  - The prohibition against using a student's score, at any time during a student's academic career, as a factor in any decision to (1) retain the student, (2) promote the student to a higher grade level, or (3) grant course credit; and
  - The prohibition against individual student score reports being released, except to the student's district or school or to the student or the student's parent or guardian.
- Prohibits school districts and schools from using the value-added progress dimension ratings from the 2014-2015 and 2015-2016 school years for:
  - Teacher and principal evaluations; or
  - Decisions regarding the dismissal, retention, tenure, or compensation of teachers and principals, unless the district or school collectively agrees with its teachers or principals to use the ratings from those school years for those purposes.
- Specifies that, for a teacher of a grade level and subject area for which the value-added progress dimension applies and if no other measure is available to determine student academic growth, the evaluation for that teacher or principal must be based solely on teacher or principal performance.
- Requires the Department to request a federal waiver from provisions of the "No Child Left Behind Act of 2001," to account for the act's prohibition against using the value-added ratings for conducting teacher and principal evaluations administered in the 2014-2015 and 2015-2016 school years.
- Extends the deadline for the 2014-2015 state report card from September 15, 2015, to January 15, 2016.
- Extends until January 31, 2016, the deadline for the separate reports regarding students with disabilities for the 2014-2015 school year.
- Requires each school district and school to report to the Department the number and percentage of students who did not take a state achievement assessment administered in the 2014-2015 school year and who were not excused from taking the assessment.



- Prohibits, for the 2014-2015 school year only, the Department from ranking school districts, community schools, and STEM schools according to academic performance measures.
- Sets a deadline of January 31, 2016, for the Department to rank districts, community schools, and STEM schools according to expenditures for the 2014-2015 school year.

## **IV. Educator Licensing and Evaluations**

### **Licensing**

- Modifies the required components of the Ohio Teacher Residency (OTR) program and requires that one of the measures of progression through the program be the performance-based assessment required by the State Board for resident educators.
- Prohibits career-technical educators from being required to complete the conditions of the first two years of the OTR program.
- Requires the State Board, by July 1, 2016, to adopt rules that exempt consistently high-performing teachers from (1) the requirement to complete additional coursework to renew an educator license and (2) any related requirement prescribed by the district's or school's local professional development committee.
- Modifies the duration for which a pupil-activity program permit is valid by specifying that, if the applicant holds an educator license, the permit is valid for the same number of years as the individual's educator license.
- Prohibits the State Board from requiring any fee to be paid for a license, certificate, or permit issued for the purpose of teaching in a Junior ROTC program.
- Requires the State Board to issue an alternative principal license or an alternative administrator license to an individual who (1) successfully completes the Bright New Leaders for Ohio Schools program and (2) satisfies rules adopted by the State Board.
- Removes a requirement that the Ohio State University Fisher College of Business serve as fiscal agent for the corporation that creates and implements the Bright New Leaders for Ohio Schools program.

### **Evaluation of school counselors**

- Requires the Educator Standards Board to develop standards for school counselors.
- Requires the State Board to develop, by May 31, 2016, a standards-based framework for the evaluation of school counselors that aligns with the standards adopted by the



Educator Standards Board and distinguishes between ratings of accomplished, skilled, developing, and ineffective.

- Requires each school district board to adopt, by September 30, 2016, a standards-based school counselor evaluation policy that conforms to the framework developed by the State Board and includes procedures for implementing the framework and using evaluation results.
- Requires each district board to annually submit a report to the Department regarding implementation of its school counselor evaluation policy.

### **Alternative framework for teacher evaluations**

- Modifies the alternative framework for teacher evaluations, beginning with the 2015-2016 school year, by increasing (to 50%) the teacher performance measure, decreasing (to 35%) the student academic growth measure, and permitting districts and schools to use specified components for the remainder.

### **V. Waivers**

- Authorizes community schools, in addition to school districts and STEM schools under continuing law, to request from the Superintendent of Public Instruction a waiver for up to five school years from (1) administering the state-required achievement assessments, (2) teacher evaluations, and (3) reporting of student achievement data for report card ratings.
- Specifies that school districts, community schools, and STEM schools may submit a request for a waiver during the 2015-2016 school year only.
- Limits, to ten, the total number of school districts, community schools, and STEM schools that may be granted a waiver, based on requests for a waiver received during the 2015-2016 school year.
- Removes a provision requiring a school district to be a member of the Ohio Innovation Lab Network to be eligible to submit a request for a waiver.
- Removes STEM schools' presumptive eligibility for being granted a waiver.
- Removes a provision specifying that a district's or school's waiver application that includes an overview of its alternative assessment system must include "links to state-accepted and nationally accepted metrics, assessments, and evaluations."

- Revises the timing of the decision by the state Superintendent on whether to approve or deny a waiver or to request additional information from "not later than 30 days after receiving a request for a waiver" to "upon receipt of a waiver."
- Defines "innovative educational program or strategy," for purposes of a waiver, as a program or strategy that uses a new idea or method aimed at increasing student engagement and preparing students to be college or career ready.

## **VI. Scholarship Programs**

- Increases the maximum Educational Choice (Ed Choice) scholarship that may be awarded to a K-8 student from \$4,250 to \$4,650 and to a high school student from \$5,000 to \$5,900 for the 2015-2016 school year and to \$6,000 for the 2016-2017 school year and thereafter.
- Changes the basis for the Ed Choice scholarship according to performance index score ranking of a student's assigned district building, from a ranking based on the performance index scores of all public schools to a ranking based on the performance index scores of all buildings operated by school districts.
- Revises the law regarding qualification of nonpublic high schools located outside of the Cleveland Municipal School District to participate in the Cleveland Scholarship Program.
- Removes the limitation on the number of Cleveland scholarships that may be awarded to students who were already enrolled in a nonpublic school when the students applied for the scholarship.
- Increases the maximum scholarship awarded under the Autism Scholarship Program to \$27,000 (from \$20,000).
- Increases the maximum scholarship awarded under the Jon Peterson Special Needs Scholarship Program to \$27,000 (from \$20,000).

## **VII. Other Education Provisions**

### **College Credit Plus program (PARTIALLY VETOED)**

- Specifically permits students to participate in the College Credit Plus (CCP) program during the summer term of a college.
- Would have required all public and participating private and out-of-state colleges to offer an associate degree pathway under the CCP program (VETOED).



- Would have specifically prohibited any requirement of the CCP program, or any rule adopted by the Chancellor or the State Board for the program, from applying to a chartered nonpublic school that chose not to participate in the program (VETOED).
- Removes the end date of July 1, 2016, with regard to the exemption from the CCP program for career-technical education programs that grant articulated credit to students, but specifies that any portion of such a program that grants transcribed credit must be governed by the CCP program.
- Requires the CCP program to be the sole mechanism by which state funds are paid to colleges for students to earn transcribed credit for college courses while enrolled in high school and college.
- Requires the Chancellor and the state Superintendent to include, in each biennial report on the CCP program, an analysis of quality assurance measures related to the program.

### **Math curriculum for career-technical students**

- Permits students who enter the ninth grade for the first time on or after July 1, 2015, who are pursuing a "career-technical instructional track" to take a career-based pathway mathematics course as an alternative to Algebra II, which is required for most students in order to receive a high school diploma.

### **Credit based on subject area competency**

- Requires the State Board, by December 31, 2015, to update its statewide plan on subject area competency to include methods for students enrolled in 7th and 8th grade to meet curriculum requirements based on such competency.
- Requires school districts and community schools, beginning with the 2017-2018 school year, to comply with the updated plan and to permit students to meet curriculum requirements accordingly.
- Requires the Department to inform students, parents, and schools of the updated plan.

### **Competency-Based Education Pilot Program**

- Establishes the Competency-Based Education Pilot Program to provide grants to public schools for designing and implementing competency-based models of education during the 2016-2017, 2017-2018, and 2018-2019 school years.
- Requires public schools that wish to participate in the program to submit an application to the Department by November 1, 2015.



- Requires the Department to select, by March 1, 2016, not more than five participants, and to award each participant a grant of up to \$200,000 for each fiscal year of the biennium.
- Requires each participant to satisfy specified requirements for the competency-based education offered and to agree to an annual performance review conducted by the Department.
- Requires the Department to post two reports on its website (the first by January 31, 2017, and the second by December 31, 2018) regarding the program.

### **Education and business partnerships**

- Specifically permits the state Superintendent to form partnerships with Ohio's business community to create and implement initiatives that connect students with the business community to increase student engagement and job readiness.

### **GED tests**

- Specifies that a person may take the tests of general educational development (GED), if the person (1) is or was home-schooled, (2) is excused from attending school due to a physical or mental condition, (3) is moving or has moved out of Ohio, or (4) has an extenuating circumstance.
- Requires a person who is at least 16 but less than 18 years old, when applying to the Department for permission to take the GED tests, to include a high school transcript containing specified information.
- Requires a person who is under 18 and who is approved to take the GED tests to remain enrolled in school and maintain at least a 75% attendance rate until the person (1) passes all required sections of the GED, or (2) reaches age 18.
- Specifies that, for the purpose of calculating graduation rates for districts and schools on the state report cards, the Department must include any person who withdraws from school to take the GED tests as a dropout.
- Specifies that a person who fails to attain the required scores on the GED tests must (1) retake only the specific test on which the person did not attain a passing score, and (2) pay only for the cost of the specific test that must be retaken.

### **Education of older students**

- Changes the name of the Adult Career Opportunity Pilot Program to the Adult Diploma Pilot Program and makes changes in the administration of the program.



- Modifies separate provisions of law that permit an individual age 22 and above who has not received a high school diploma or equivalence certificate to enroll in certain types of public schools and public two-year colleges for the purpose of earning a high school diploma.

### **Out-of-state STEM school students**

- Permits a STEM school to admit out-of-state students and requires the school to charge tuition for that student.

### **Diplomas for home-schooled and nonchartered nonpublic school students**

- Specifies that a home-schooled student may be granted a high school diploma by the student's parent, guardian, or custodian and prescribes requirements for the diploma.
- Specifies that a person who has graduated from a nonchartered nonpublic school in the state and who has successfully fulfilled that school's high school curriculum may be granted a high school diploma by the governing authority of that school.

### **Student health services**

- Specifically permits public schools to contract with a hospital, an appropriately licensed health care provider, a federally qualified health center, or a federally qualified health center look-alike to provide health services to students.
- Specifies that the employees of contract entities providing the services of a nurse are not required to obtain a school nurse license or school nurse wellness coordinator license, but must hold a credential equivalent to that of a registered nurse or licensed practical nurse.

### **Site-based management councils**

- Repeals the law that required certain school districts with total student counts of 5,000 or more to designate one school building to be operated by a site-based management council.

### **Student transportation**

- Specifies that a school district is not required to transport students to and from a nonpublic or community school on weekends absent an agreement to do so that was entered into before July 1 of the school year in which the agreement takes effect.
- Clarifies that a community school that takes over responsibility to transport its students to and from school may determine that it is impractical to transport a



student using the same procedures, requirements, and payment structure that a school district uses to determine impracticality.

- Removes a provision requiring a school district to submit a resolution declaring impracticality of transportation to the educational service center that contains the district's territory.
- Creates the School Transportation Joint Task Force to study transportation of students to public and nonpublic schools and requires it to make recommendations to the General Assembly by February 1, 2016.

### **Other provisions**

- Changes the term of office of a joint vocational school district board member to one year, if that member is appointed on a rotating basis by members of the board when there is an even number of member districts under a plan on file with the Department.
- Requires that, if a joint vocational school district gains territory on or after January 1, 2015, due to a specified transfer of the entire territory of a "local" school district to another, contiguous "local" school district, then that JVSD must enter into a two-year transition agreement with the JVSD that lost the territory.
- Permits the state Superintendent to adopt guidelines identifying the circumstances in which the Department, after consulting with the lead district of a career-technical planning district, may approve or disapprove a career-technical education program after the prescribed deadline.
- Prohibits the assessment against any client school districts of an educational service center (ESC) that is abolished by July 1, 2015, of any indebtedness to the Department for expenses related to the dissolution that exceed the available assets of the ESC.
- Prohibits a school district or school from altering, truncating, or redacting any part of a student's record so that any information on the record is rendered unreadable or unintelligible during the course of transferring that record to an educational institution for a legitimate educational purpose.
- Abolishes the Healthy Choices for Healthy Children Council.
- Modifies a provision permitting school districts to contract with public and private entities to provide academic remediation and intervention services outside of regular school hours by expanding eligibility for services to students in any grade.





- Permits the State Board to establish an annual Teacher of the Year program, and allows a teacher so recognized to receive a gift or privilege as part of the program and a person or entity to make a voluntary contribution to the program.

## I. School Financing

(R.C. 3313.981, 3314.08, 3314.085, 3314.091, 3317.01, 3317.013, 3317.014, 3317.016, 3317.017, 3317.02, 3317.022, 3317.0212, 3317.0213, 3317.0215, 3317.0216, 3317.0217, 3317.0218, 3317.051, 3317.06, 3317.16, 3317.26, 3323.13, 3326.33, and 3326.41; Sections 263.190, 263.220, 263.230, and 263.240)

H.B. 59 of the 130th General Assembly (the general operating budget act for the 2013-2015 biennium) enacted a new system of financing for school districts and other public entities that provide primary and secondary education. This system specified a per-pupil formula amount and then used that amount, along with a district's "state share index" (which depended on valuation and, for districts with relatively low median income, on median income), to calculate a district's base payment (called the "opportunity grant"). The system also included payments for targeted assistance (based on a district's property value and income) and supplemental targeted assistance (based on a district's percentage of agricultural property), as well as categorical payments (which included special education funds, kindergarten through third grade literacy funds, economically disadvantaged funds, limited English proficiency funds, gifted funds, career-technical education funds, and student transportation funds).

The act makes changes to the funding system as described below and applies these changes to the core foundation funding formulas for city, local, and exempted village school districts, joint vocational school districts, community schools, and STEM schools. For a more detailed description of the act's school funding system, see the LSC Greenbook for the Department of Education and the LSC Comparison Document of the act. Both documents are published on the LSC website at [www.lsc.ohio.gov/](http://www.lsc.ohio.gov/). Click on "Budget Bills and Related Documents," then on "Main Operating," and then on "Greenbooks" or "Comparison Document."

Note, as used below, "ADM" means average daily membership. Law unchanged by the act, provides that the Department of Education use the student enrollment that a district is required to report three times during a school year (at the end of October, March, and June) to calculate a district's average daily membership for the specific purposes or categories required for the school funding system, including a district's "formula ADM" and "total ADM."<sup>34</sup> The act clarifies that, in any given fiscal year, prior

---

<sup>34</sup> R.C. 3317.03, not in the act.



to school districts submitting the first required student enrollment report for that year (at the end of October), enrollment for the districts must be calculated based on the third report submitted by the districts for the previous fiscal year (at the end of June).<sup>35</sup>

### **Formula amount**

(R.C. 3317.02)

The act specifies a formula amount of \$5,900 per pupil for fiscal year 2016, and \$6,000 for fiscal year 2017. That amount is incorporated in the school funding system to calculate a district's base payment (the "opportunity grant") and is used in the computation of various other payments. (The formula amount for fiscal year 2015 was \$5,800.)

### **State share index**

(R.C. 3317.017)

The act makes revisions to the calculation of the "state share index," which is an index that depends on valuation and, for city, local, and exempted village school districts with relatively low median income, on median income. It is adjusted for school districts where 30% or more of the potential taxable valuation is exempted from taxation, which reduces the qualifying districts' three-year property valuation in the formula and, thereby, increases their calculated core funding.

The act revises the computation of the "state share index" by doing both of the following:

(1) Calculating an "income index" that is based on both a district's "median income index" (which is equal to the district's median Ohio adjusted gross income divided by the median district's median Ohio adjusted gross income) and a district's three-year average federal adjusted gross income per pupil divided by the statewide average per pupil;

(2) Revising the calculation of the "wealth index" factor of the computation by basing it on both a district's "median income index" and a district's "income index," and by making other changes to the formula.

The "state share index" is a factor in the calculation of the opportunity grant, special education funds, catastrophic cost for special education students, kindergarten through third grade literacy funds, limited English proficiency funds, career-technical education funds, career-technical education associated services funds, the graduation

---

<sup>35</sup> R.C. 3317.01.



bonus, the third-grade reading bonus, and transportation funds for city, local, and exempted village school districts. It is also a factor in the calculation of additional state aid for preschool special education children that is paid to city, local, and exempted village school districts and institutions (the departments of Mental Health and Addiction Services, Developmental Disabilities, Youth Services, and Rehabilitation and Correction), the calculation of payments to county DD boards that provide special education and related services to children with disabilities, and the criteria for a city, local, exempted village, or joint vocational school district to qualify for a grant program for innovators.

### **Targeted assistance supplemental funding**

(R.C. 3317.0217)

The act revises the calculation of targeted assistance supplemental funding, which is based on a district's percentage of agricultural property, by doing all of the following:

(1) Basing the "three-year average valuation" on the average of a district's tax valuation for tax years 2012, 2013, and 2014, for fiscal year 2016, and tax years 2013, 2014, and 2015, for fiscal year 2017. Under prior law, this valuation remained the same for both years of the biennium rather than changing for each fiscal year.

(2) Providing this funding to districts with more than 10% agricultural real property but not to those districts with 10% or less agricultural real property. Prior law provided funding to those districts that had less than 10% (but greater than 0%) agricultural real property in an amount less than that paid to districts with at least 10% agricultural real property, with the amount of funding for districts with greater than 0% but less than 10% agricultural real property varying based on the district's percentage of agricultural real property.

(3) Making other changes to the formula for the computation of this funding.

Additionally, the act removes a requirement that districts must receive targeted assistance funding (which is based on a district's value and income) in order to receive targeted assistance supplemental funding.

Targeted assistance supplemental funding is paid to city, local, and exempted village school districts.



## Special education funding

(R.C. 3317.013)

The act specifies dollar amounts for the six categories of special education services, as described in the table below. These amounts are used in the calculation of special education funding for city, local, and exempted village school districts, joint vocational school districts, community schools, and STEM schools. These amounts are increased from the ones specified under prior law for fiscal years 2014 and 2015.

Category	Disability	Dollar amount for fiscal year 2016	Dollar amount for fiscal year 2017
1	Speech and language disability	\$1,547	\$1,578
2	Specific learning disabled; developmentally disabled; other health-impairment minor; preschool child who is developmentally delayed	\$3,926	\$4,005
3	Hearing disabled; severe behavior disabled	\$9,433	\$9,622
4	Vision impaired; other health-impairment major	\$12,589	\$12,841
5	Orthopedically disabled; multiple disabilities	\$17,049	\$17,390
6	Autistic; traumatic brain injuries; both visually and hearing impaired	\$25,134	\$25,637

## Kindergarten through third grade literacy funds

(R.C. 3314.08(C)(1)(d), 3317.022(A)(4), and 3326.33(D))

The act revises the dollar amounts for the calculation of kindergarten through third grade literacy funds for city, local, and exempted village school districts, community schools, and STEM schools.

## Economically disadvantaged funds

(R.C. 3314.08(C)(1)(e), 3317.02(E), 3317.022(A)(5), 3317.16(A)(3), and 3326.33(E))

The act maintains the dollar amounts for the calculation of economically disadvantaged funds for city, local, and exempted village school districts, joint vocational school districts, community schools, and STEM schools from fiscal year 2015 for both years of the biennium.



It also revises the "economically disadvantaged index for a school district" that is used in the factor for the calculation of economically disadvantaged funds as follows:

(1) For a city, local, or exempted village school district, the act uses the percentage of students in the sum of the total ADM of all city, local, and exempted village school districts who are identified as economically disadvantaged as part of the computation of the index;

(2) For a joint vocational school district, the act uses the percentage of students in the sum of the formula ADM of all joint vocational school districts who are identified as economically disadvantaged as part of the computation of the index.

### **Funding for limited English proficient students**

(R.C. 3317.016)

The act specifies dollar amounts for categories of limited English proficient students, as described in the table below. These amounts are used in the calculation of funding for limited English proficient students for city, local, and exempted village school districts, joint vocational school districts, community schools, and STEM schools. The amounts are the same as those specified under prior law for fiscal year 2015.

<b>Category</b>	<b>Type of student</b>	<b>Dollar amount for fiscal year 2016 and for fiscal year 2017</b>
1	A student who has been enrolled in schools in the U.S. for 180 school days or less and was not previously exempted from taking the spring administration of either of the state's English language arts assessments (reading or writing)	\$1,515
2	A student who has been enrolled in schools in the U.S. for more than 180 school days or was previously exempted from taking the spring administration of either of the state's English language arts assessments (reading or writing)	\$1,136
3	A student who does not qualify for inclusion in categories 1 or 2 and is in a trial-mainstream period, as defined by the Department	\$758



## Gifted funding

(R.C. 3317.022(A)(7) and 3317.051)

### Gifted identification funding

The act maintains the dollar amount for gifted identification funding (\$5.05) from fiscal year 2015 for both years of the biennium. This funding is paid to city, local, and exempted village school districts.

### Gifted unit funding

The act also maintains the dollar amount for each gifted unit (\$37,370) from fiscal year 2015 for both years of the biennium. The Department must pay gifted unit funding to a city, local, or exempted village school district in an amount equal to the dollar amount for each gifted unit times the number of units allocated to a district. Under continuing law, the Department must allocate funding units to a district for services to identified gifted students as follows:

(1) One gifted coordinator unit for every 3,300 students in the district's gifted unit ADM (which is the district's formula ADM minus the number of its resident students enrolled in community schools and STEM schools), with a minimum of 0.5 units and a maximum of 8 units for the district.

(2) One gifted intervention specialist unit for every 1,100 students in the district's gifted unit ADM, with a minimum of 0.3 units allocated for the district.

## Career-technical education funding (PARTIALLY VETOED)

(R.C. 3317.014 and 3317.16(D)(2))

The act specifies dollar amounts for the five categories of career-technical education programs, as described in the table below. These amounts are used in the calculation of career-technical education funding for city, local, and exempted village school districts, joint vocational school districts, community schools, and STEM schools. These amounts are increased from the ones specified under prior law for fiscal years 2014 and 2015.

Category	Career-technical education programs <sup>36</sup>	Dollar amount for fiscal year 2016	Dollar amount for fiscal year 2017
1	Workforce development programs in	\$4,992	\$5,192

<sup>36</sup> Continuing law specifies that each career-technical education program must be defined by the Department in consultation with the Governor's Office of Workforce Transformation (R.C. 3317.014).



Category	Career-technical education programs <sup>36</sup>	Dollar amount for fiscal year 2016	Dollar amount for fiscal year 2017
	agricultural and environmental systems, construction technologies, engineering and science technologies, finance, health science, information technology, and manufacturing technologies		
2	Workforce development programs in business and administration, hospitality and tourism, human services, law and public safety, transportation systems, and arts and communication	\$4,732	\$4,921
3	Career-based intervention programs	\$1,726	\$1,795
4	Workforce development programs in education and training, marketing, workforce development academics, public administration, and career development	\$1,466	\$1,525
5	Family and consumer science programs	\$1,258	\$1,308

The Governor vetoed a provision that would have eliminated the requirement that a joint vocational school district spend at least 75% of its career-technical education funding on costs directly associated with career-technical education programs and not more than 25% on personnel expenditures. (Law unchanged by the act applies this requirement to city, local, and exempted village school districts, community schools, and STEM schools.<sup>37</sup>)

### **Career-technical associated services funding**

(R.C. 3317.014)

The act specifies the following amounts for career-technical education associated services: \$236, for fiscal year 2016, and \$245, for fiscal year 2017. These amounts are multiplied by a district's total career-technical ADM and a district's state share index in order to calculate the district's career-technical education associated services funding. These amounts, too, are increased from those specified under prior law for fiscal years 2014 and 2015.

<sup>37</sup> R.C. 3314.08(C)(5), 3317.022(E), and 3326.39, latter section not in the act.





## **Capacity aid**

(R.C. 3317.0218)

The act requires the Department to make an additional payment of "capacity aid" to school districts based on how much one mill of taxation will raise in revenue for the district.

## **Graduation bonus**

(R.C. 3314.085(B)(1), 3317.0215, 3317.16(A)(7), and 3326.41(B))

The act requires the Department to make an additional "graduation bonus" payment to each city, local, and exempted village school district, joint vocational school district, community school, and STEM school based on how many students graduate from the district or school, as indicated on the district's or school's most recent report card.

## **Third-grade reading bonus**

(R.C. 3314.085(B)(2) and 3317.0216)

The act requires the Department to make an additional "third-grade reading bonus" payment to each city, local, and exempted village school district and community school based on how many of the district's or school's third grade students score at a proficient level of skill or higher on the district's or school's most recent administration of the English language arts assessment.

## **Transportation funding**

(R.C. 3317.0212)

The act specifies that a school district's transportation funding must be calculated using a multiplier that is the greater of 50% (rather than 60% as under prior law) or the district's state share index.

Additionally, the act requires the Department to pay each district a transportation supplement that is based on the district's rider density (the total ADM per square mile of the district).

Finally, the act eliminates the requirement that each city, local, and exempted village school district report all data used to calculate funding for transportation through the Education Management Information System (EMIS).



## **Transportation payments to community schools**

(R.C. 3314.091)

The act removes the requirement that a community school governing authority that enters into an agreement to transport students or accepts responsibility to transport students must provide or arrange transportation free of charge for each of its enrolled students who would otherwise be transported by the students' school districts under those districts' transportation policies. However, the act retains this requirement for the enrolled students who are required to be transported under continuing law.

The act also clarifies that payments made to a community school for transporting students must be calculated "on a per rider basis."

### **Payments prior to September 29, 2015**

(Section 263.220)

The act requires the Superintendent of Public Instruction, prior to September 29, 2015, to make operating payments in amounts "substantially equal" to those made in the prior year, "or otherwise," at the Superintendent's discretion.

### **Payment caps and guarantees (PARTIALLY VETOED)**

(R.C. 3317.26; Sections 263.230 and 263.240)

The act adjusts a city, local, or exempted village school district's aggregate amount of core foundation funding (excluding specified payments listed below) and pupil transportation funding by imposing a cap that restricts the increase in the aggregate amount of funding over the previous year's state aid to no more than 7.5% of the previous year's state aid in each fiscal year of the biennium. For purposes of this provision, "core foundation funding" does not include the district's payments for the following:

--For fiscal years 2016 and 2017, capacity aid, the graduation bonus, the third-grade reading bonus, and the transportation supplement;

--For fiscal year 2017, career-technical education and career-technical education associated services.



A district's core foundation funding and pupil transportation funding is further adjusted by guaranteeing that all districts receive at least the same amount of state aid in each fiscal year of the biennium as in fiscal year 2015, except that districts are not guaranteed to receive the same amount of career-technical education and career-technical education associated services funding for fiscal year 2017 as in fiscal year 2015.

Similarly, joint vocational school districts are guaranteed to receive at least the same amount of state aid in each fiscal year of the biennium as in fiscal year 2015, except they are not guaranteed to receive the same amount of career-technical education and career-technical education associated services funding for fiscal year 2017 as in fiscal year 2015. They are also subject to a cap that limits the increase in state aid to no more than 7.5% of the previous year's state aid (excluding specified payments listed below) in each fiscal year of the biennium. For purposes of this provision, "state aid" does not include the district's payments for the following:

--For fiscal years 2016 and 2017, the graduation bonus;

--For fiscal year 2017, career-technical education and career-technical education associated services.

The act also requires the Department to adjust, as necessary, the transitional aid guarantee base of school districts that participate in the establishment of a joint vocational school district that first begins receiving core foundation funding in fiscal years 2016 or 2017 and to establish, as necessary, the guarantee base of the new joint vocational school district as an amount equal to the absolute value of the sum of the associated adjustments for the participant school districts.

The Governor vetoed a provision that would have guaranteed each district a minimum amount of total per-pupil state operating funding. That provision would have phased in a guarantee of 20% of the formula amount times a district's formula ADM. Under the phase-in, an eligible district could have received only 15% of the guarantee in fiscal year 2016 and only 25% of the guarantee in fiscal year 2017.

## **Straight A Program**

(Section 263.350)

The act extends the Straight A Program to fiscal years 2016 and 2017. This program was created in uncodified law by H.B. 59 of the 130th General Assembly to provide grants for fiscal years 2014 and 2015 to school districts, educational service centers (ESCs), community schools, STEM schools, college-preparatory boarding schools, individual school buildings, education consortia, institutions of higher education, and private entities partnering with one or more of those educational



entities. The purpose of those grants was to fund projects aiming to achieve significant advancement in one or more of the following goals: (1) student achievement, (2) spending reduction in the five-year fiscal forecast, (3) utilization of a greater share of resources in the classroom, and (4) use a shared services delivery model.

The act largely retains the provisions of the Straight A Program as enacted in H.B. 59 and as subsequently amended in H.B. 342 of the 130th General Assembly. It does, however, change those provisions in the following ways:

(1) Permits governmental entities partnering with one or more educational entities to apply for grants;

(2) Removes the requirement that the Straight A governing board issue a decision on a grant application within 90 days of receiving the application and instead requires the board to issue a "timely decision"; and

(3) Eliminates the advisory committee that annually reviewed the grant program and provided strategic advice to the governing board and the Director of the Governor's Office of 21st Century Education.

### **Payment of excess cost for special education services**

(R.C. 3317.16(C))

Law not changed by the act requires a city, local, or exempted village school district or community school to pay a joint vocational school district providing special education and related services to a student of the district or school for the costs that exceed the amount the joint vocational school district receives under the formula for providing those services. Under the act, the amount of this payment must be calculated using a formula approved by the Department. This replaces the requirement in prior law that this amount be calculated by subtracting the formula amount, the amount for the student's special education category, and any additional state aid attributable to the student's special education category from the actual cost to provide special education and related services to the student.

### **Open enrollment for preschool children with disabilities**

(R.C. 3313.981)

The act permits a city, local, or exempted village school district to enroll under its interdistrict open enrollment policy an adjacent or other district student who is a preschool child with a disability. For each of these students, the Department of Education must pay \$4,000 to the district that enrolls the student and deduct that amount from the state education aid of the student's resident district.



## **Special education provided by another district for preschool children**

(R.C. 3323.13)

If a preschool child with a disability who is a resident of one district receives special education from another district under an agreement between the districts, the act specifies that the district providing the education may require the child's district of residence to pay the tuition of the district providing the education as calculated in accordance with continuing law, rather than half of that amount as provided under prior law.

## **Auxiliary Services funds**

(R.C. 3317.06)

The act modifies the permitted uses of Auxiliary Services funds by: (1) specifying that "instructional materials" may include media content that a student accesses through a computer or other electronic device, (2) permitting the purchase of any mobile application for less than \$20 (instead of \$10 as under prior law), and (3) adding to the definition of "computer hardware and related equipment," that may be purchased or leased, to include any equipment designed to make accessible the environment of a classroom to a student who is physically unable to attend classroom activities by allowing real-time interaction with other students both one-on-one and in group discussion.

School districts receive state Auxiliary Services funds to purchase goods and services for students who attend chartered nonpublic schools located within their territories. Those moneys may be used to purchase, for loan to students of chartered nonpublic schools, such things as textbooks, digital texts, workbooks, instructional equipment including computers, and library materials, or to provide health or special education services.

## **Nonpublic school administrative cost reimbursement**

(Section 263.190)

Each chartered nonpublic school may be reimbursed for administrative and clerical costs incurred as a result of complying with state and federal recordkeeping and reporting requirements. Permanent law unchanged by the act prescribes \$360 as the maximum amount per pupil that may be reimbursed to a school each year.<sup>38</sup> The act

---

<sup>38</sup> R.C. 3317.063, not in the act.



specifies in an uncodified provision that if the appropriation for this reimbursement is sufficient, the Department may pay up to \$420 per pupil for each school year.

## II. Community Schools

Community schools (often called "charter schools") are public schools that operate independently from any school district under a contract with a sponsoring entity. A conversion community school, created by converting an existing school, may be located in and sponsored by any school district or educational service center in the state. On the other hand, a new "start-up" community school may be located only in a "challenged school district." A challenged school district is any of the following: (1) a "Big-Eight" school district (Akron, Canton, Cincinnati, Cleveland, Columbus, Dayton, Toledo, or Youngstown), (2) a poorly performing school district as determined by the school's performance index, value-added progress dimension, or other specified ratings or grades on the state report card, or (3) a school district in the original community school pilot project area (Lucas County).<sup>39</sup>

The sponsor of a start-up community school may be any of the following:

- (1) The school district in which the school is located;
- (2) A school district located in the same county as the district in which the school is located has a major portion of its territory;
- (3) A joint vocational school district serving the same county as the district in which the school is located has a major portion of its territory;
- (4) An educational service center;
- (5) The board of trustees of a state university (or the board's designee) under certain specified conditions;
- (6) A federally tax-exempt entity under certain specified conditions; or
- (7) The mayor of Columbus for new community schools in the Columbus City School District under specified conditions. However, it does not appear that those conditions have been triggered.<sup>40</sup>

Many community school governing authorities contract with an operator to run the day-to-day operations of the school. The school's contract with the operator is

---

<sup>39</sup> R.C. 3314.02(A)(3).

<sup>40</sup> R.C. 3314.02(C)(1)(a) through (g).



separate from the school's contract with its sponsor. Operators may be either for-profit or nonprofit entities.

### **Educational service center sponsorship of conversion schools**

(R.C. 3314.02(B)(2))

Under prior law, an educational service center (ESC) was permitted to sponsor a conversion community school located within its service territory or in a contiguous county without approval from the Department and without entering into an agreement with the Department regarding the manner in which the ESC would conduct its sponsorship. The act removes this provision and, instead, requires that any ESC that sponsors a conversion community school must be approved by and enter into an agreement with the Department under the same terms and conditions as other sponsors.

### **Definition of Internet- or computer-based community schools ("e-schools")**

(R.C. 3314.02(A)(7))

The act revises the definition of "Internet- or computer-based community school" ("e-school") to assure inclusion of an e-school that offers career-technical education,<sup>41</sup> even if it offers some classroom-based instruction. The act specifies that such a community school that operates mainly as an e-school but provides some classroom-based instruction is still an e-school, so long as it provides instruction electronically.

### **Preschool programs operated by community schools**

(R.C. 3301.52, 3301.53, 3301.541, 3301.55 to 3301.58, 3314.03, 3314.06, and 3314.08; Section 263.20)

The act permits a community school that satisfies any of the following requirements to be licensed by the Department to operate a preschool program for children age three or older:

(1) The school is sponsored by an entity that is rated "exemplary" by the Department;

(2) The school offers any of grade levels four through twelve and has received, on the most recent report card, a grade of "C" or better for the overall value-added progress dimension and for the performance index score;

---

<sup>41</sup> R.C. 3314.086, not in the act.





(3) The school does not offer a grade level higher than three and has received, on the most recent report card, a grade of "C" or better for making progress in improving literacy in grades kindergarten through three.

This program must comply with the same licensing and operational standards that apply to preschool programs operated by school districts, eligible nonpublic schools, and county DD boards under continuing law.

If a community school operates a preschool program that is licensed by the Department, the act permits the school to admit individuals who are younger than five years of age to that program. Otherwise, except for early enrollment of a kindergarten student who is shown to be ready for school by evaluation or under an acceleration policy or for enrollment of a preschool student in a Montessori preschool program, a community school may not enroll students who are under five years old.

The act requires the governing authority of a community school to annually report the number of students enrolled in a preschool program operated by the school that is licensed by the Department who are not receiving special education and related services.

The act also specifies that community schools that operate preschool programs that are licensed by the Department may not receive state community school operating funding for students enrolled in those programs. However, the act does authorize those programs to apply for early childhood education funding (per pupil funds that the Department may pay to certain qualified preschool providers for students from families with incomes of not more than 200% of the federal poverty guidelines).<sup>42</sup>

## **Study on direct authorization and sponsor evaluations**

(Section 263.660)

Under continuing law, the Department's Office of Ohio School Sponsorship is permitted to directly authorize the operation of a limited number of both new and existing community schools, rather than those schools being subject to the oversight of other public or private sponsors. The office is also authorized to assume the sponsorship of a community school whose contract has been voided due to its sponsor being prohibited from sponsoring additional schools.

---

<sup>42</sup> Previous budget acts also enacted similar early childhood education funding provisions. The act also specifically permits a community school operating a Montessori program in a municipal school district (Cleveland) to apply for early childhood funding for fiscal years 2016 and 2017. Under prior law, a community school operating a Montessori program in any school district was permitted to apply for such funds for fiscal year 2015. (See Section 263.20 of H.B. 59, as amended by H.B. 487, both of the 130th General Assembly.)



The act requires the Department, by July 1, 2016, to submit and present to the House and the Senate Education committees both of the following:

(1) A plan that proposes the expansion of the Department's authority to directly authorize community schools; and

(2) Recommendations for a ratings rubric for evaluating sponsors. The recommendations must include research-based evidence that demonstrates that the rubric will result in improved academic results.

### **Gifted community school feasibility analysis**

(Section 263.590)

The act requires the Department, in conjunction with an association of education service centers in the state and an association that advocates for gifted children in the state, to complete a feasibility analysis of the establishment of a start-up community school that serves primarily gifted students in each of the 16 regions of the Educational Regional Service System. The Department must submit the analysis to the chairpersons of the Education committees, Finance committees, and Finance subcommittees on Education of the House and the Senate by July 1, 2016.

### **Community school access to school district property**

(R.C. 3313.413 (conforming changes in R.C. 3313.41 and 3313.411))

The act requires a school district board, when it decides to sell real property, to first offer that property for sale to the governing authorities of (1) high-performing community schools and (2) newly established community schools with a model that has a track record of high quality academic performance, as determined by the Department, before offering it to all start-up community schools and any college-preparatory boarding schools located in the district as required under continuing law.<sup>43</sup> (Also under continuing law, after offering these rights of first refusal, the district must offer the property at public auction or it may sell the property directly to specified entities.<sup>44</sup> If the property is offered at public auction, but is not sold, the district board may sell it at a private sale.)

---

<sup>43</sup> There are no college-preparatory boarding schools operating as of the date of this analysis. They are authorized under R.C. Chapter 3328.

<sup>44</sup> These entities include state colleges and universities or their branch campuses, private colleges and universities, chartered nonpublic schools, the Adjutant General, political subdivisions, taxing authorities, park commissioners, and school library district.



Additionally, the act requires a school district board, when it is required under continuing law to offer "unused school facilities" for lease or sale, prior to offering those separate facilities to all start-up community schools and any college-preparatory boarding schools located in the district, to first offer the facilities for sale or lease to the governing authorities of high-performing community schools.<sup>45</sup>

The act further specifies that the purchase price of any property or unused facilities sold under the act's provisions must not be more than the appraised fair market value of that property as determined by an appraisal that is not more than one year old.

### **High-performing community school**

Under the act "high-performing community school" means a community school that meets one of the following conditions:

(1) The school received a grade of "A," "B," or "C" for the performance index score or has increased its performance index score for the previous three years, and received a grade of "A" or "B" for the value-added progress dimension on its most recent report card rating;

(2) If the school serves only grades K through 3, the school received a grade of "A" or "B" for making progress in literacy on its most recent report card;

(3) If the school is a dropout recovery school, the school received a rating of "exceeds standards" on its most recent report card.

### **School district property purchased by community school**

(R.C. 3313.411)

The act prohibits the governing authority of a community school or board of trustees of a college-preparatory boarding school from selling any property the school purchased from a school district by way of mandatory sale, unless the property is being purchased by another community school or college-preparatory boarding school located in the district.

---

<sup>45</sup> Property that is subject to this mandatory offer of sale or lease is real property that (1) was used by the district for school operations since July 1998, but (2) has not been used in that capacity for two years.



## **Exceptions to community school rights of first refusal**

### **Sale of school district property to a pro sports museum**

(Sections 263.600 and 263.601)

The act permits a city school district, until July 1, 2017, to offer for sale property it owns to a nonprofit corporation operating a professional sports museum that is located in the same municipal corporation, or to an entity in which such a nonprofit corporation has an interest, prior to offering that property for sale according to continuing law, including the rights of first refusal for community schools or college-preparatory boarding schools. The act also provides that the property may be leased by the district to the nonprofit corporation or an entity in which the nonprofit corporation has an interest, or to a port authority, for a term of up to 99 years.

The act specifies that this provision is intended to promote economic development and create and preserve jobs and employment opportunities and improve the economic welfare of the people of the state.

### **Sale or lease of school district athletic field**

(Sections 610.35 and 610.36 of the act, amending Section 7 of H.B. 532 of the 129th General Assembly)

The act extends the expiration of a separate provision of law that temporarily permits a city school district to offer highest priority to purchase an athletic field to the chartered nonpublic school that is the current leaseholder of the property from December 31, 2015, to December 31, 2017. It also specifically exempts that provision from changes made by the act that gives first priority to high-performing and certain newly established community schools when a school district decides to dispose of a property as described above. The act continues the exemption for the authorized sale to the nonpublic school from general right of refusal for other community schools and college-preparatory boarding schools located in the district.

## **III. State Testing and Report Cards**

### **Prohibition on use of state GRF to purchase PARCC assessments**

(R.C. 3301.078)

The act explicitly prohibits funds appropriated from the General Revenue Fund from being used to purchase an assessment developed by the Partnership for Assessment of Readiness for College and Careers (PARCC) for use as the state elementary and secondary achievement assessments. The assessments developed by PARCC were prescribed for the 2014-2015 school year as the state's elementary-level



assessments in English language arts and mathematics and as the high school end-of-course examinations in English language arts I, English language arts II, Algebra I, and geometry.

### **Prohibition on use of RTTP funding for state achievement assessments**

(Section 263.283)

The act prohibits any federal Race to the Top program funds from being used for any purpose related to the state elementary and secondary achievement assessments.

### **Type of state achievement assessments**

(Section 263.620)

The act requires the state Superintendent, by July 30, 2015, to verify that the state elementary and secondary achievement assessments for the 2015-2016 school year will be administered (1) once each year, (2) not over multiple testing windows, and (3) in the second half of the school year (except for end-of-course examinations for courses completed during the first semester of the school year). The state Superintendent also must verify by that same deadline that the length of those assessments will be reduced as compared to the assessments for the 2014-2015 school year, "in order to provide more time for classroom instruction and less disruption in student learning."

If the state Superintendent verifies that the assessments and their administration do not meet the prescribed conditions, the Superintendent must take the steps necessary to find and contract with one or more entities to develop and provide assessments that meet the prescribed conditions.

The act also states that, "(for) the online administration of assessments, a single technology platform is preferred but not required."

### **Online administration of state assessments**

(Section 10 of H.B. 487 of the 130th General Assembly, as amended in Sections 610.17 and 610.18)

The act extends through the 2015-2016 school year, the prohibition previously in effect for the 2014-2015 school year only that (1) prohibits school districts and schools from being required to administer the state elementary and secondary achievement assessments in an online format, (2) permits a district or school to administer such assessments in any combination of online and paper formats at the discretion of the district board or school governing authority, and (3) requires the Department of Education to furnish, free of charge, all required state assessments for the school year.



The act also states that "school districts and schools are encouraged to administer the assessments in an online format."

## **Delivery of assessment scores to districts and schools**

(R.C. 3301.0711(G))

The act revises the deadlines by which the individual scores of state assessments must be sent to school districts and schools. Beginning with the 2015-2016 school year, the Department, or an entity with which it contracts for the scoring of state achievement assessments, must send to each district and school a list of individual scores for all students who took a state achievement assessment by the following deadlines:

(1) For all elementary and secondary assessments except for the third-grade English language arts assessment, within 45 days of the assessment's administration or by June 30 of each school year, whichever is earlier;

(2) For the third-grade English language arts assessment, within 45 days of the assessment's administration or by June 15 of each school year, whichever is earlier.

The act also permits the results from the writing component of any assessment in the area of English language arts, except for the third-grade English language arts assessment, to be sent after 45 days of the assessment's administration as long as the results are sent by June 30 of each school year.

## **High school graduation testing requirements**

(R.C. 3313.614)

The act provides additional pathways to high school graduation for students who entered ninth grade prior to the 2014-2015 school year. Under continuing law changed in part by the act, such students must attain a passing score on each of the Ohio Graduation Tests (OGT),<sup>46</sup> but beginning with students who enter ninth grade in the 2014-2015 school year, high school students must complete one of three graduation pathways to be eligible for a diploma. Those pathways are: (1) score at "remediation-free" levels in English, math, and reading on nationally standardized assessments, (2) attain a cumulative passing score on the state high school end-of-course examinations, or (3) attain a passing score on a nationally recognized job skills assessment and obtain either an industry-recognized credential or a state agency- or board-issued license for practice in a specific vocation.<sup>47</sup>

---

<sup>46</sup> R.C. 3301.0710(B)(1) and 3313.61, not in the act.

<sup>47</sup> R.C. 3313.618, not in the act.



The act makes eligible for graduation a person who entered ninth grade prior to the 2014-2015 school year, and who satisfies either of the following conditions:

- (1) The person completes one of the graduation pathways described above; or
- (2) The person successfully completes some, but not all, areas of the OGT, but also completes one of the graduation pathways, in accordance with rules established by the State Board of Education.

Under the act, the State Board's rules must be adopted by December 31, 2015, and must prescribe the manner in which such a person may be eligible to graduate from high school under the second option described above. Finally, the rules must do the following:

- (1) Include the date by which a person who began ninth grade prior to the 2014-2015 school year may be eligible for high school graduation under the act's revised graduation provisions;
- (2) Include methods of replacing individual assessments of the OGT and methods of integrating the three graduation pathways; and
- (3) Ensure that the second graduation option described above requires a mastery that is equivalent or greater to the expectations of the OGT.

### **Exemption from high school graduation requirements and exams**

(R.C. 3301.0711 and 3313.612; conforming changes in R.C. 3301.0712, 3310.03, 3310.14, 3310.522, 3313.615, and 3313.976)

#### **ISACS-accredited schools**

The act exempts students enrolled in a chartered nonpublic school that is accredited through the Independent School Association of the Central States (ISACS) from (1) the requirement to complete one of three prescribed pathways in order to graduate from high school (see "**High school graduation testing requirements**" above), (2) the requirement to take the high school end-of-course exams, and (3) the requirement to take the nationally standardized assessment that measures college and career readiness. This exemption *does not apply* to students attending an ISACS-accredited school under the Educational Choice Scholarship Program, Pilot Project Scholarship Program (Cleveland), Jon Peterson Special Needs Scholarship Program, or the Autism Scholarship Program. Those students must still complete a graduation pathway and take the end-of-course exams.





## **Non-ISACS schools**

For a chartered nonpublic school not accredited through ISACS, the act permits the school to forgo the administration of the end-of-course exams if it administers to its students an alternative assessment that may be used for high school graduation (see "**Graduation requirements for certain chartered nonpublic schools**" below). Unlike the exemptions for ISACS-accredited schools, the act applies this exemption to students attending the school under a state scholarship program. Thus, a student attending a non-ISACS school under a state scholarship is not required to take the end-of-course exams, if the student's school administers to all of its students an alternative assessment that may be used for high school graduation.

The act also revises a separate conditional exemption from administering the end-of-course exams that previously applied to all chartered nonpublic schools. That exemption authorizes a school to forgo the administration of the end-of-course exams, if it publishes the results of the college and career readiness assessments that must be administered to its students. The act applies this exemption to non-ISACS schools only, instead of all chartered nonpublic schools as under prior law.

Neither the act nor continuing law exempt such students in non-ISACS schools from the requirement to complete a high school graduation pathway, which, under the act, no longer applies to students in an ISACS-accredited chartered nonpublic school. That is, all students enrolled in a non-ISACS school, including students attending the school under a state scholarship, must complete a high school graduation pathway (including the act's new alternative assessment pathway).

### **Eligibility under a state scholarship**

The act maintains the scholarship eligibility of a student attending a non-ISACS school that elects to forgo the end-of-course exams, provided that student continues to satisfy all other prescribed conditions of the student's respective scholarship program. Prior law required a scholarship student to take all state-required assessments, which include the end-of-course exams.

Finally, the act removes a provision that delayed the conditional exemption for chartered nonpublic schools described above until October 1, 2015, unless the General Assembly did not enact different requirements regarding end-of-course exams for chartered nonpublic schools that were effective by that date. This change makes the exemption effective on September 29, 2015.



## **Graduation requirements for certain chartered nonpublic schools**

(R.C. 3313.612 and 3313.619; conforming changes in R.C. 3313.614 and 3313.902)

The act creates another additional pathway for high school graduation for students enrolled in a chartered nonpublic school that is *not* accredited through ISACS. Such a student may receive a high school diploma if the student attains a designated score on an alternative assessment approved by the Department and selected by the student's school.

For that purpose, the act requires the Department to approve assessments that (1) are nationally norm-referenced, (2) have internal consistency reliability coefficients of at least "0.8," (3) are standardized, (4) have specific evidence of "content, concurrent, or criterion validity," (5) have evidence of norming studies in the previous ten years, (6) have a measure of student achievement in core academic areas, and (7) have high validity evidenced by the alignment of the assessment with nationally recognized content. The Department also must designate passing scores on each of the assessments it approves.

Despite the act's creation of an additional pathway for high school graduation, the act specifically states that the new pathway *does not* prohibit a chartered nonpublic school from granting a high school diploma to a student under one of the three graduation pathways already prescribed under continuing law.

## **Third-grade reading guarantee diagnostic assessments**

(R.C. 3313.608)

The act specifies a deadline for the administration of the reading skills assessment for students in kindergarten through third grade for purposes of identifying students who are reading below grade level under the third-grade reading guarantee. Under the act, beginning with the 2015-2016 school year, the reading skills assessment must be completed by September 30 for students in grades 1 to 3, and by November 1 for students in kindergarten. The required reading skills assessment is the reading diagnostic assessment or a comparable tool approved by the Department.

The act also permits the reading skills assessment to be administered electronically using "live, two-way video and audio connections whereby the teacher administering the assessment may be in a separate location from the student."

## **State report card measures**

Effective March 22, 2013, H.B. 555 of the 129th General Assembly established a new academic performance rating and report card system for school districts and



individual schools, including community schools and STEM schools, using "A," "B," "C," "D," or "F" letter grades and numerous reported and graded performance measures. Most of the performance measures are based on student scores on the academic achievement assessments. The major six components of the rating system are: (1) gap closing, (2) achievement, (3) progress, (4) graduation, (5) kindergarten through third grade literacy, and (6) prepared for success. Most of the separate performance measures are graded separately and then used to assign the grade for the respective organizing component and eventually an overall grade.

The act makes several revisions to the report card system.

### **Proficiency percentages**

(R.C. 3302.02)

The act requires the State Board to adopt rules to establish proficiency percentages to meet each report card performance indicator based on a state assessment. In other words, the State Board must determine what percentage of students must receive a score of "proficient" or higher on a state assessment in order for a district or school to be considered to have met the performance indicator for that assessment. Continuing law requires that "performance indicators met" is one of the graded components on the state report card and is also used in the calculation of a school district or school's overall grade.<sup>48</sup>

The act sets deadlines by which the State Board must adopt these proficiency percentages as follows:

- (1) Not later than December 31, 2015, for the 2014-2015 school year;
- (2) Not later than July 1, 2016, for the 2015-2016 school year;
- (3) Not later than July 1, 2017, for the 2016-2017 school year, and for each school year thereafter.

Under prior law, adopting rules to establish such measures for the 2014-2015 school year and each school year thereafter was optional for the State Board.

---

<sup>48</sup> R.C. 3302.03(C)(1)(c) and (C)(3)(b).



## **High school value-added component**

(R.C. 3302.03(D))

The act makes changes regarding the high school value-added component. First, it permits, rather than requires as under prior law, the State Board to develop the high school student academic progress measure on or after July 1, 2015. Second, the act specifies that if the State Board develops the measure, districts and schools will not be assigned a separate letter grade for it sooner than the 2017-2018 school year. Finally, the act prohibits the measure from being included in determining a district or building's overall grade.

## **Delay of overall report card grades**

(R.C. 3302.03 and 3302.036; conforming changes in R.C. 3302.05, 3310.03, 3314.02, and 3314.05)

The act delays the first issuance of overall letter grades on the state report card until the 2017-2018 school year.

Prior law required the first issuance of overall grades for the 2015-2016 school year.

## **Safe harbor provisions**

### **Districts, schools, and students**

(R.C. 3302.036)

The act extends through the 2016-2017 school year the safe harbor provisions related to achievement assessment score results and report card ratings that, under prior law, were in effect for only the 2014-2015 school year for students and public schools and school districts. Essentially, the act's provisions do the following:

(1) Prohibits the Department from (a) assigning an overall letter grade for school districts and schools for the 2015-2016 and 2016-2017 school years (see above), and (b) ranking districts and schools based on operating expenditures, performance achievements, and other specified items for the 2015-2016 and 2016-2017 school years;

(2) Prohibits the report card ratings issued for the 2015-2016 and 2016-2017 school years from being considered in determining whether a school district or school is subject to prescribed sanctions or penalties;

(3) Permits the Department, at the discretion of the State Board, to not assign an individual grade for the six components that comprise the state report card;



(4) Prohibits public schools from utilizing, at any time during a student's academic career, a student's score on any elementary-level state assessment or high school end-of-course examination that is administered in the 2015-2016 and 2016-2017 school years as a factor in any decision to (a) retain the student, (b) promote the student to a higher grade level, or (c) grant course credit; and

(5) Prohibits the release of individual student score reports on the state elementary assessments and high school end-of-course examinations administered in the 2015-2016 and 2016-2017 school years, except to a student's school district or school or to a student or student's parent or guardian.

### **Teachers and principals**

(Section 263.650; Section 13 of H.B. 487 of the 130th General Assembly repealed in Section 690.10)

The act repeals the former safe harbor provision in effect for only the 2014-2015 school year that authorized a school district or school to enter into a memorandum of understanding with its teachers' labor union stipulating that the value-added progress dimension rating that is based on the results of the state achievement assessments administered in the 2014-2015 school year would not be used for (1) teacher or principal evaluations, or (2) making decisions regarding dismissal, retention, tenure, or compensation.

Instead, the act enacts a new provision that *prohibits* a school district or school from using the value-added ratings from assessments administered in both the 2014-2015 and 2015-2016 school years for the purposes described in (1) and (2) above. However, the act does permit a district or school to enter into a memorandum of understanding collectively with its teachers or principals stipulating that value-added ratings from those school years may be used for those purposes.

Finally, for a teacher of a grade level and subject area for which the value-added rating is applicable and if no other measure is available to determine student academic growth, the act requires the evaluation for that teacher or principal to be based solely on teacher or principal performance (e.g., walkthroughs, class observations, and professional growth plans).

### **Waiver from NCLB**

(Section 263.630)

Ohio's 2014-2015 flexibility waiver from provisions of the federal "No Child Left Behind Act of 2001" (NCLB) requires (and state law implements) a state-developed system of teacher evaluations that must be conducted by school districts and by



community schools and STEM schools that receive federal Race to the Top grant funds. Among other items, the waiver requires the inclusion of student growth in the teacher evaluation system, but it does not specify how much student growth is to be accounted for in an evaluation. Instead, the U.S. Department of Education stated in a guidance document that the waiver requires student growth to be included as a "significant factor" in the system, and requires the Ohio Department of Education to determine the degree of such inclusion.<sup>49</sup>

The act requires the Department, by July 30, 2015, to apply to the U.S. Secretary of Education for a waiver from provisions of NCLB to account for the act's two-year prohibition on using value-added ratings to calculate student academic growth for teacher or principal evaluations and for making decisions regarding dismissal, retention, tenure, or compensation.

### **Report card deadline for the 2014-2015 school year**

(Section 263.510)

The act temporarily extends the deadline for the issuing of the 2014-2015 state report card from September 15, 2015, to January 15, 2016. Continuing permanent law otherwise requires the Department to issue the report cards annually not later than September 15 or the preceding Friday when that day falls on a Saturday or Sunday.<sup>50</sup>

### **Reports for students with disabilities**

(Section 263.520)

The act temporarily extends, from October 1, 2015, to January 31, 2016, the deadline for the report the Department must issue regarding performance measures disaggregated for a school district's or school's students with disabilities subgroup using data from the 2014-2015 school year. Those performance measures are the value-added progress dimension score, performance index score, and four- and five-year adjusted cohort graduation rates.<sup>51</sup> Continuing permanent law otherwise requires the Department to submit this report not later than October 1 each year.

---

<sup>49</sup> [www.ed.gov/sites/default/files/esea-flexibility-faqs.doc](http://www.ed.gov/sites/default/files/esea-flexibility-faqs.doc).

<sup>50</sup> R.C. 3302.03.

<sup>51</sup> R.C. 3302.035, not in the act.



## **Report of students who do not take state assessments**

(Section 263.640)

The act requires each school district, community school, and STEM school to report to the Department the number and percentage of its students who did not take a state-required achievement assessment administered in the 2014-2015 school year and who were not excused from that assessment because of being a special education student or a limited English proficient student.

## **School district and school rankings**

(Section 263.490)

The act temporarily prohibits for the 2014-2015 school year only, the Department from ranking school districts, community schools, and STEM schools according to academic performance measures as otherwise required by continuing law. Those measures include performance index score, student performance growth based on the value-added progress dimension, and the performance of, and opportunities provided to, students identified as gifted using value-added progress dimensions, if applicable, and other relevant measures as designated by the state Superintendent. The act also sets a deadline of January 31, 2016, for the Department to rank districts and schools according to expenditures for the 2014-2015 school year. School expenditure rankings include current operating expenditure per equivalent pupils and the percentage of total operating expenditures spent for classroom instruction.<sup>52</sup>

## **IV. Educator Licensing and Evaluations**

### **Ohio Teacher Residency program**

(R.C. 3319.223)

Under continuing law, most newly licensed educators are issued either a resident educator license or an alternative resident educator license under which they also must complete the four-year Ohio Teacher Residency (OTR) program. The act modifies several required components of the program and exempts career-technical education instructors from completing the conditions prescribed for the first two years of the program.

---

<sup>52</sup> R.C. 3302.21, not in the act.





## **Required components of the program**

Former law required that the OTR program include mentoring by teachers who hold a lead professional educator license issued by the State Board. Instead, the act requires the program to include mentoring by any teacher during only the first two years of the program. Additionally, the act specifies that districts or schools may determine if the counseling component of the program is necessary. Finally, the act specifies that one of the required measures of progression through the program must be the performance-based assessment required by the State Board for resident educators in the third year of the program.

## **Exemption for career-technical education instructors**

The act specifies that a career-technical education instructor teaching under an alternative resident educator license is not required to complete the conditions of the first two years of the OTR program. However, prior to applying for a professional educator license, the instructor must successfully complete the conditions of the last two years of the program.

## **Renewal of licenses for consistently high-performing teachers**

(R.C. 3319.22)

The act requires the State Board, by July 1, 2016, to adopt rules, in accordance with the Administrative Procedure Act, that exempt consistently high-performing teachers from (1) the requirement to complete additional coursework to renew an educator license issued by the State Board, and (2) any related requirement prescribed by the district's or school's local professional development committees. The act also requires the State Board to define "consistently high-performing teachers" for the purpose of this provision.

## **Pupil-activity program permits**

(R.C. 3319.303)

Under continuing law, the State Board must adopt rules establishing standards and requirements for obtaining a pupil-activity program permit, which is issued by the State Board for coaching, supervising, or directing programs in music, language, arts, speech, government, and athletics.<sup>53</sup> The act modifies the duration for which a pupil-activity program permit is valid, if the applicant already holds an educator license, certificate, or permit issued by the State Board. In this instance, the permit is valid for the same number of years as the individual's educator license, certificate, or permit.

---

<sup>53</sup> R.C. 3313.53, not in the act.



However, the act does not specify how to determine the duration of the permit if the applicant holds multiple licenses, certificates, or permits.

Under continuing law, if an applicant does not hold an educator license, certificate, or permit issued by the State Board, the pupil-activity program permit is valid for three years.

### **Licensure fees, Junior ROTC program**

(R.C. 3319.51)

The act prohibits the State Board from requiring any fee to be paid for a license, certificate, or permit issued for the purpose of teaching in a Junior ROTC program.

### **Bright New Leaders for Ohio Schools program**

(R.C. 3319.271; Sections 610.10 and 610.11)

The act requires the State Board to issue an alternative principal license or an alternative administrator license to an individual who does both of the following:

(1) Successfully completes the Bright New Leaders for Ohio Schools program. The program provides an alternative path for individuals to receive training, earn degrees, and obtain licenses in public school administration.

(2) Satisfies rules adopted by the State Board, in consultation with the board of directors of the program, for obtaining an alternative principal license or an alternative administrator license upon completion of the program. In developing these rules, the State Board must use its existing rules regarding alternative principal and alternative administrator licenses<sup>54</sup> as guidance.

The act also removes a requirement, as set forth in Section 733.40 of H.B. 59 of the 130th General Assembly, that the articles of incorporation for the nonprofit corporation that creates and implements the Bright New Leaders for Ohio Schools program include a provision requiring the Ohio State University Fisher College of Business to serve as fiscal agent for the corporation.

---

<sup>54</sup> R.C. 3319.27, not in the act.



## Evaluation of school counselors

(R.C. 3319.113 and 3319.61)

### Standards for school counselors

The act requires the Educator Standards Board to develop standards for school counselors that align with the American School Counselor Association's professional standards and the additional minimum operating standards for school districts adopted by the State Board.<sup>55</sup> These standards must reflect all of the following:

- (1) What school counselors are expected to know and be able to do at all stages of their careers;
- (2) Knowledge of academic, personal, and social counseling for students;
- (3) Effective principles to implement an effective school counseling program; and
- (4) Ohio-specific knowledge of career counseling for students and education options that provide flexibility for earning credit, such as earning units of high school credit based on a demonstration of subject area competency and earning college credit through the College Credit Plus program.

### State framework for evaluation of school counselors

The act requires the State Board, by May 31, 2016, to develop a standards-based state framework for the evaluation of school counselors. The State Board may update this framework periodically by adoption of a resolution.

The framework must establish an evaluation system that does the following:

- (1) Requires school counselors to demonstrate their ability to produce positive student outcomes using metrics, including those from the school's or district's state report card;<sup>56</sup>
- (2) Is aligned with the standards for school counselors adopted by the Educator Standards Board and requires school counselors to demonstrate ability in those standards;
- (3) Requires that all school counselors be evaluated annually, except as otherwise appropriate for high-performing school counselors;

---

<sup>55</sup> R.C. 3301.07(D)(3), not in the act.

<sup>56</sup> R.C. 3302.03.



(4) Assigns a rating on each evaluation in accordance with standards and criteria developed by the State Board (see below);

(5) Designates the personnel that may conduct evaluations of school counselors;

(6) Requires that each school counselor be provided with a written report of the results of that counselor's evaluation; and

(7) Provides for professional development to accelerate and continue school counselor growth and provide support to poorly performing school counselors.

### **Ratings for school counselor evaluations**

The act also requires the State Board to develop specific standards and criteria that distinguish between the following levels of performance for school counselors for the purpose of assigning ratings on school counselor evaluations:

(1) Accomplished;

(2) Skilled;

(3) Developing; or

(4) Ineffective.

In developing these standards and criteria, the State Board must consult with experts, school counselors, and principals employed in public schools, as well as representatives of stakeholder groups.

### **District evaluation policies for school counselors**

The act requires each school district board, by September 30, 2016, to adopt a standards-based school counselor evaluation policy that conforms with the standards-based state framework (see above). The policy must include both of the following:

(1) Beginning with the 2016-2017 school year, the implementation of the standards-based state framework for the evaluation of school counselors; and

(2) Beginning with the 2017-2018 school year, procedures for using the evaluation results for decisions regarding the retention, promotion, and removal of school counselors.

The district's policy must become operative at the expiration of any collective bargaining agreement that (1) covers school counselors employed by the board and (2)



is in effect on September 29, 2015. The policy also must be included in any renewal or extension of such an agreement.

Finally, each district board must annually submit a report to the Department, in a form and manner prescribed by the Department, regarding the implementation of its evaluation policy. However, the act specifically prohibits the Department from permitting or requiring the name or any personally identifiable information of a school counselor to be reported to the Department as part of this annual report.

### **Collective bargaining agreements**

The act specifies that its requirements regarding school counselor evaluations prevail over any conflicting provision of a collective bargaining agreement entered into on or after September 29, 2015.

### **Alternative framework for teacher evaluations**

(R.C. 3319.114)

Under continuing law, each district or school may choose to use the alternative framework for the evaluation of teachers in lieu of the prescribed state framework under the Ohio Teacher Evaluation System (OTES). The prescribed state framework is unaffected by the act. However, beginning with evaluations conducted for the 2015-2016 school year, the act makes the following changes to the alternative framework:

(1) Requires the teacher performance measure to account for 50% of each evaluation (former law required 42.5% to 50%);

(2) Decreases the student academic growth measure to account for 35% (former law required 42.5% to 50%);

(3) Removes the former requirement that the teacher performance measure and the student academic growth measure be an equal percentage of each evaluation;

(4) Specifies that the remainder of each evaluation must be one (continuing law) or any combination (added by the act) of the following: (a) student surveys, (b) teacher self-evaluations, (c) peer review evaluations, and (d) student portfolios. The act also adds to the list of permissible components "any other component determined appropriate" by the district board or school governing authority.

Additionally, the act permits, but does not require as under former law, districts and schools to use instruments approved by the Department when evaluating the component or components chosen.



## **V. Waivers**

### **Conditional waiver for innovative programs**

(R.C. 3302.15 and 3326.29 (repealed))

The act makes several changes to a law enacted in 2014 that permits STEM schools and school districts to submit to the state Superintendent a request for a waiver from (1) administering the state-required elementary and secondary achievement assessments, (2) teacher evaluations, and (3) reporting of student achievement data for the purpose of report card ratings.

First, the act eliminates the provision that presumptively makes all STEM schools eligible to be granted the waiver and eliminates a provision that requires school districts to be members of the Ohio Innovation Lab Network in order to submit a request for a waiver. The act also adds community schools to the list of entities that may submit a request for and be granted a waiver, and in doing so, limits to ten the number of school districts, community schools, and STEM schools that may be granted a waiver under the program. The act limits requests for a waiver to be submitted during the 2015-2016 school year only.

The act also makes the following additional changes to the waiver program:

(1) Removes a requirement for a district's or school's alternative assessment system (that is part of a waiver application) to include "links to state-accepted and nationally accepted metrics, assessments, and evaluations";

(2) Revises the timing of the decision by the state Superintendent on whether to approve or deny a waiver or to request additional information from not later than 30 days after receiving a request for a waiver (under prior law) to "upon receipt of a waiver" (under the act); and

(3) Defines "innovative educational program or strategy," for purposes of a waiver, as a program or strategy that uses a new idea or method aimed at increasing student engagement and preparing students to be college or career ready.

### **Background**

Continuing law provides that a district, STEM school, or community school (added by the act) that obtains a waiver must use an alternative assessment system in place of the state-mandated assessments. The state Superintendent must approve or deny the request or may request additional information from the district or school. A waiver granted to a school district or school is contingent on an ongoing review and



evaluation of the program for which the waiver was granted by the state Superintendent.

Each request for a waiver must include the following: (1) a timeline to develop and implement an alternative assessment system for the school district or school, (2) an overview of the proposed educational programs or strategies to be offered by the school district, (3) an overview of the proposed alternative assessment system, including links to state-accepted and nationally accepted metrics, assessments, and evaluations (revised under the act), (4) an overview of planning details that have been implemented or proposed and any documented support from educational networks, established educational consultants, state institutions of higher education, and employers or workforce development partners, (5) an overview of the capacity to implement the alternative assessments, conduct the evaluation of teachers with alternative assessments, and the reporting of student achievement data with alternative assessments for the purpose of report card ratings, all of which must include any prior success in implementing innovative educational programs or strategies, teaching practices, or assessment practices, (6) an acknowledgement by the school district of federal funding that may be impacted by obtaining a waiver, and (7) the items from which the district or school wishes to be exempt, which are the administration of state assessments, teacher evaluations, and reporting of student achievement data.

For purposes of the waiver program, the Department must seek a waiver from the testing requirements prescribed under the federal "No Child Left Behind Act" if necessary to implement the program. The Department also must create a mechanism for the comparison of the proposed alternative assessments and the state assessments as it relates to the evaluation of teachers and student achievement data for the purpose of state report card ratings.

## **VI. Scholarship Programs**

### **Ed Choice scholarship**

(R.C. 3310.03 and 3310.09)

The act makes two changes to the Educational Choice Scholarship Program. First, it raises the maximum amount that can be awarded under the program as described in the table below.

	<b>Prior Maximum</b>	<b>2015-2016 school year</b>	<b>2016-2017 school year and thereafter</b>
Grades K-8	\$4,250	\$4,650	\$4,650
Grades 9-12	\$5,000	\$5,900	\$6,000





Second, it changes the basis for eligibility according to performance index score. Prior law qualified for a scholarship a student who would be assigned to a school building that was ranked, in at least two out of the three most recent years, in the lowest 10% of *all public school buildings* according to performance index score. That ranking, required of the Department in separate law, includes not only school district-operated buildings, but community schools and STEM schools as well.<sup>57</sup> The act, instead, requires the Department, for Ed Choice purposes only, to base the qualifying performance index score ranking on the lowest 10% among all school buildings operated by school districts, as determined by the Department.

## **Cleveland Scholarship Program**

### **Qualification of nonpublic high schools**

(R.C. 3313.976)

The act revises the law regarding the qualification of nonpublic high schools (grades 9-12) located outside of the Cleveland Municipal School District to participate in the Cleveland Scholarship Program (officially known as the Pilot Project Scholarship Program). Under the act, in order to enroll high school students with a scholarship under the program, a school located outside the district must be located in another district that is both (1) within five miles of the district's border, rather than adjacent to the district as under prior law, and (2) located in a municipal corporation with a population of at least 50,000, as under continuing law.

The act continues to qualify nonpublic high schools located in the Cleveland School District to participate in the program. It also continues the requirement that nonpublic elementary schools must be located in the district in order to participate in the program.

### **Eligibility of students already enrolled in nonpublic schools**

(R.C. 3313.975)

The act removes a provision that formerly specified that no more than 50% of all scholarships under the Cleveland Scholarship Program could be awarded to students who were already enrolled in nonpublic schools.

---

<sup>57</sup> R.C. 3302.21(A)(1), not in the act.



## **Autism Scholarship Program**

(R.C. 3310.41)

The act increases the maximum scholarship awarded under the Autism Scholarship Program to \$27,000 (from \$20,000 under prior law).

## **Jon Peterson Special Needs Scholarship Program**

(R.C. 3310.56)

The act increases the maximum scholarship awarded under the Jon Peterson Special Needs Scholarship Program to \$27,000 (from \$20,000 under prior law).

## **VII. Other Education Provisions**

### **College Credit Plus program changes (PARTIALLY VETOED)**

(R.C. 3365.02, 3365.034, 3365.07, 3365.14, and 3365.15)

The College Credit Plus (CCP) program allows students who are enrolled in public or participating nonpublic high schools or who are home-instructed to enroll in nonsectarian college courses to receive high school and college credit. College courses under CCP may be taken at any public or participating private or out-of-state college.

#### **Participation during the summer**

The act specifically permits students who are eligible for the CCP program to participate in the program during the summer term of a public or a participating private or out-of-state college. It also requires the Chancellor of Higher Education, in consultation with the state Superintendent, to adopt rules regarding summer participation. Unless otherwise specified, all requirements of the program apply to such students.

In order to participate in CCP during the summer, a student must (1) meet the eligibility requirements of the program and (2) provide notification of the intent to participate by a date prescribed by the Chancellor. Additionally, the student or the student's parent must be responsible for any transportation related to participation during the summer. Finally, if a student chooses to participate under "Option B," the Department must reimburse the college in the same manner as for students who participate under that option during the school year. Payments must be made by September of each year, or as soon as possible thereafter.



### **Associate degree pathway (VETOED)**

The Governor vetoed a provision that would have required all public colleges, and participating private and out-of-state colleges, to offer an associate degree pathway under the CCP program so that participants could earn an associate degree upon completion of the pathway. In order to complete the pathway, students would have been required to earn at least 60, but not more than 72, semester credit hours (or the equivalent number of quarter hours). To meet this requirement, students would have been specifically permitted to enroll in more than 60 credit hours, but not more than 72 credit hours, over two school years.

The vetoed provision also would have required the Department to reimburse colleges for students who (1) participated under "Option B" of CCP and (2) enrolled in the associate degree pathway, in the same manner as other CCP students, except for the calculation of payments. Under continuing law, the formula for CCP payments assumes a maximum of 30 credit hours per school year for colleges on a semester schedule and 45 credit hours per school year for colleges on a quarter schedule.<sup>58</sup> Therefore, in order to reflect the increased number of credit hours that would have been required under the pathway, the Chancellor, in consultation with the state Superintendent, would have been required to adopt rules prescribing a method to calculate payments for students under the pathway.

### **Participation of chartered nonpublic schools (VETOED)**

Under continuing law, all public high schools (school districts, community schools, STEM schools, and college-preparatory boarding schools) are required to participate in CCP and are subject to the requirements of the program. Chartered nonpublic high schools also may choose to participate in CCP, and, if they do so, they are also subject to requirements of the program.

The Governor vetoed a provision that would have specifically prohibited any requirement of the CCP program, and any rule adopted by the Chancellor or the State Board for purposes of the CCP program, to apply to a chartered nonpublic high school that chose not to participate in the program.

---

<sup>58</sup> R.C. 3365.01(B) and (I), not in the act.



## **Career-technical education programs under CCP**

The CCP program governs arrangements in which a high school student enrolls in a college and, upon successful completion, receives transcribed credit<sup>59</sup> from the college. However, specified programs are exempt from the requirements of the program, including career-technical education programs that grant articulated credit.<sup>60</sup> The act maintains this exemption, but removes the end date of July 1, 2016, thus extending the exemption indefinitely. It also clarifies that any portion of a career-technical education program that grants transcribed credit still must be governed by the CCP program.

### **Funding**

Former law stipulated that the CCP program was the sole mechanism by which state funds were paid to colleges for students to earn college-level credit while enrolled in a high school, with the exception of Early College High School (ECHS) programs that obtain a waiver, Advanced Placement (AP) or International Baccalaureate (IB) courses, and career-technical education programs that grant articulated credit.

The act modifies that law in part by stipulating that the CCP program is the sole mechanism by which state funds are paid to colleges for students to earn transcribed credit for college courses while enrolled in both a high school and a college. However, all programs and courses described above continue to be exempt from this funding stipulation.

### **Biennial report**

Under continuing law, the Chancellor and the state Superintendent must submit a biennial report detailing the status of the CCP program to the Governor, President of the Senate, Speaker of the House, and chairpersons of the House and Senate Education committees. The act adds a requirement that each biennial report also include an analysis of "quality assurance measures" related to the program.

---

<sup>59</sup> "Transcribed credit" is defined as "post-secondary credit that is conferred by an institution of higher education and is reflected on a student's official record at that institution upon completion of a course." R.C. 3365.01(U), not in the act.

<sup>60</sup> "Articulated credit" is defined as "post-secondary credit that is reflected on the official record of a student at an institution of higher education only upon enrollment at that institution after graduation" from high school. R.C. 3365.01(A), not in the act.



## **Math curriculum for career-technical students**

(R.C. 3313.603(C)(3))

Under continuing law, in order to receive a high school diploma, a student must successfully complete at least 20 prescribed units of instruction. For most students, four of those units consist of mathematics, including one unit of Algebra II or its equivalent.

The act permits students who enter ninth grade for the first time on or after July 1, 2015, who are pursuing a "career-technical instructional track" to take a career-based pathway mathematics course as an alternative to Algebra II.

## **Credit based on subject area competency**

(R.C. 3313.603(J) and 3314.03(A)(11)(f); Section 263.540)

The act requires the State Board, by December 31, 2015, to update the statewide plan on subject area competency for high school students to also include methods for students enrolled in 7th and 8th grade to meet curriculum requirements based on either (1) subject area competency or (2) a combination of classroom instruction and subject area competency. Additionally, the Department must provide assistance to the State Board for purposes of updating the plan, including credit by examination, to "reduce barriers to student participation in credit flexibility options." Upon completion of the plan, the Department must inform students, parents, and schools, and, beginning with the 2017-2018 school year, all school districts and community schools are required to comply with the updated plan and permit students to meet curriculum requirements accordingly.

A conforming provision in the Community School Law states that compliance must begin with the 2016-2017 school year.<sup>61</sup>

## **Competency-Based Education Pilot Program**

(Sections 263.280 and 733.30)

The act establishes the Competency-Based Education Pilot Program to provide grants to school districts, community schools, STEM schools and consortia of one or more districts or schools led by one or more educational service centers for designing

---

<sup>61</sup> R.C. 3314.03(A)(11)(f).



and implementing competency-based models of education for their students during the 2016-2017, 2017-2018, and 2018-2019 school years.<sup>62</sup>

### **Selection of participants**

A district, school, or consortium that wishes to participate in the program must submit an application to the Department by November 1, 2015, in a form and manner prescribed by the Department. By March 1, 2016, the Department must select not more than five districts, schools, or consortia to participate in the program.

### **Awarding of grants**

The Department must award each district, school, or consortium selected to participate in the program a grant of up to \$200,000 for each fiscal year of the biennium. The grant must be used during the 2015-2016 and 2016-2017 school years to plan for implementing competency-based education in the district, school, or consortium during the 2016-2017, 2017-2018, and 2018-2019 school years.

### **Competency-based education requirements**

A district, school, or consortium selected to participate in the program must offer competency-based education that satisfies all of the following requirements:

- (1) Students must advance upon mastery;
- (2) Competencies must include clear, measurable, transferable learning objectives that empower students;
- (3) Assessments must be meaningful and a positive learning experience for students;
- (4) Students must receive timely, differentiated support based on their individual learning needs;
- (5) Learning outcomes must emphasize competencies that include application and creation of knowledge, along with the development of work-ready skills; and
- (6) It must incorporate partnerships with post-secondary institutions and members of industry.

---

<sup>62</sup> The act specifically includes joint vocational school districts and the only "municipal" school district in the state (Cleveland). The specific inclusion of Cleveland is not substantive since it would be included already as a "city" school district.



## **Accountability**

The Department must require a district, school, or consortium to agree to an annual performance review conducted by the Department as a condition of participating in the program.

The act also specifies that a district, school, or consortium selected to participate in the program remains subject to all accountability requirements in state and federal law that apply to it.

## **State funding**

The act specifies that, if a district or school is selected to participate in the program either by itself or as part of a consortium, each student enrolled in the district or school who is participating in competency-based education must be considered to be a full-time equivalent student while participating in competency-based education for purposes of state funding for that district or school, as determined by the Department.

## **Reports**

The Department must post two separate reports regarding the program on its website.

First, it must post, by January 31, 2017, a preliminary report that examines the planning and implementation of competency-based education in the districts, schools, and consortia selected to participate in the program.

Next, it must post, by December 31, 2018, a report that includes all of the following:

(1) A review of the competency-based education offered by the districts, schools, and consortia selected to participate in the program;

(2) An evaluation of the implementation of competency-based education by the districts, schools, and consortia selected to participate in the program and student outcomes resulting from that competency-based education; and

(3) A determination of the feasibility of a funding model that reflects student achievement outcomes as determined through competency-based education.





## **Education and business partnerships**

(Section 263.530)

The act specifically permits the state Superintendent to form partnerships with Ohio's business community, including the Ohio Business Roundtable, to create and implement initiatives that connect students with the business community. These initiatives are aimed to increase student engagement and job readiness through internships, work study, and site-based learning experiences.

If the Superintendent forms such a partnership, the initiatives implemented through that partnership must do all of the following:

(1) Support the career connections learning strategies that are included in the model curriculum developed by the State Board of Education for grades K-12 (which embeds these strategies into regular classroom instruction);

(2) Provide an opportunity for students to earn high school credit or meet curriculum requirements in accordance with the statewide plan on subject area competency (see above); and

(3) Inform the development of student success plans for students who are at-risk of dropping out of school.

## **GED tests**

(R.C. 3313.617)

In order to obtain a certificate of high school equivalence, a person must take and pass the tests of general educational development (GED), which consist of five subjects (social studies, science, reading, mathematics, and writing). The act modifies and adds several requirements related to the GED tests.

### **Eligibility requirements**

Continuing law and the act prescribe two ways in which a person may qualify to take the GED tests – automatic qualification or approval by the Department.

#### **Automatic qualification**

Under continuing law, a person who is at least 18 years old may take the GED tests without additional requirements, if the person is officially withdrawn from school and has not received a high school diploma. The act also qualifies the following persons, without additional administrative requirements and regardless of age, to take the GED tests:



(1) A person who has a bodily or mental condition that does not permit attendance at school. In order to be excused from school for such a condition, a separate provision of law, unchanged by the act, requires that (a) a physical condition must be certified in writing by a licensed physician, (b) a mental condition must be certified in writing by a licensed physician, a licensed psychologist, a licensed school psychologist, or a certificated school psychologist, and (c) a provision must be made for appropriate instruction of that person.<sup>63</sup>

(2) A person who is currently home-schooled or has completed the final year of instruction at home.

(3) A person who is moving or has moved out of Ohio after previously attending school in the state.

(4) A person who has an extreme, extenuating circumstance, as determined by the Department, that requires the person to withdraw from school.

#### **Approval by the Department**

Under continuing law, a person who is at least 16 but less than 18 years old may apply to the Department for permission to take the GED tests. When submitting an application, the person must submit written approval from the person's parent or guardian or a court official.

In addition to these requirements, the act also specifies that a person who is under 18 years old (1) must not have received a high school diploma, and (2) must submit, along with the application to the Department, an official high school transcript that includes the previous 12 months of enrollment in a program approved to grant a high school diploma. If the Department approves a person's application, that person must remain enrolled in school and maintain at least a 75% attendance rate, until either (1) the person passes all required sections of the GED tests, or (2) the person reaches 18 years of age.

Finally, the act prescribes several additional requirements regarding the Department's approval of such applications. First, upon receipt of each application, the Department must approve or deny the application. Moreover, the Department may approve an application only if the person (1) has been continuously enrolled in a diploma granting program for at least one semester, (2) attained an attendance rate of at least 75% during that semester, and (3) shows good cause. The State Board must adopt rules determining what qualifies as "good cause" for this purpose.

---

<sup>63</sup> R.C. 3321.04(A)(1), not in the act.



## **Graduation rates for persons taking the GED**

The act specifies that, for the purpose of calculating graduation rates for school districts and schools on the state report cards, the Department must include any person who officially withdraws from school to take the GED tests as a dropout from the school in which the person was last enrolled. Previously, any person who obtained approval to take the GED tests from the person's parent or guardian or a court official was counted as a dropout. This change conforms to the act's provision specifying that a person who is under 18 may take the GED tests but must remain enrolled in school (therefore, is prohibited from dropping out) until the person passes the GED tests.

### **Retaking GED tests**

The act specifies that if a person takes the GED tests but fails to attain the required scores to earn a high school equivalence diploma, the person is required to do the following:

- (1) Retake only the specific test on which the person did not attain a passing score.
- (2) Pay only for the cost of the specific test that must be retaken.

Furthermore, the act specifically prohibits a person who fails to attain the required scores from paying again for the entire battery of tests, unless that person must retake the entire battery.

## **Adult Diploma Pilot Program**

(R.C. 3313.902; Section 263.260)

The act changes the name of the Adult Career Opportunity Pilot Program (established in 2014 by H.B. 483 of the 130th General Assembly) to the Adult Diploma Pilot Program. It also makes several changes to the program, which are described below.

Under law not changed by the act, the program permits eligible institutions to develop and offer programs of study that allow eligible students (those who are at least 22 years old and have not received a high school diploma or certificate of high school equivalence) to obtain a high school diploma. A program of study is eligible for approval if it (1) allows an eligible student to complete the requirements for obtaining a high school diploma while also completing requirements for an approved industry credential or certificate, (2) includes career advising and outreach, and (3) includes opportunities for students to receive a competency-based education. For purposes of the program, an eligible institution is a community college, technical college, state



community college, or "Ohio technical center" recognized by the Chancellor of Higher Education that provides post-secondary workforce education.

### **Program approval**

Under prior law, an eligible institution had to obtain approval from the State Board and the Chancellor in order to participate in the program. The act requires an eligible institution to obtain this approval from the state Superintendent instead of the State Board, but it retains the requirement that an eligible institution also obtain this approval from the Chancellor.

### **Granting of high school diplomas**

The act requires the State Board to grant a high school diploma to each student who (1) enrolls in an approved program of study at an approved institution and (2) completes the requirements for obtaining a high school diploma that are specified in rules adopted by the state Superintendent.

### **Funding**

#### **Calculation of funding**

The act requires the Department of Education to calculate a state payment for each student enrolled in an approved program of study at each approved institution using the following formula:

$$\text{(The student's career pathway training program amount + the student's work readiness training amount) X 1.2}$$

#### **Career-pathway training program amount**

A student's "career pathway training program amount" means the following:

(1) If the student is enrolled in a tier one career pathway training program (a program that requires more than 600 hours of technical training, as determined by the Department), \$4,800.

(2) If the student is enrolled in a tier two career pathway training program (a program that requires more than 300 hours but less than 600 hours of technical training, as determined by the Department), \$3,200.

(3) If the student is enrolled in a tier three career pathway training program (a program that requires 300 hours or less of technical training, as determined by the Department), \$1,600.



### **Work readiness training amount**

A student's "work readiness training amount" means the following:

(1) If the student's grade level upon initial enrollment in an approved program of study at an approved institution is below the ninth grade, as determined in accordance with rules adopted by the State Superintendent, \$1,500.

(2) If the student's grade level upon initial enrollment in an approved program of study at an approved institution is at or above the ninth grade, as determined in accordance with rules adopted by the State Superintendent, \$750.

### **Payments**

The act requires the Department to pay the amount calculated for each student under the act's provisions to the student's institution in three separate payments. First, 25% of the amount calculated must be paid to the student's institution after the student successfully completes the first third of the approved program of study, as determined by the Department. Next, another 25% of the amount calculated must be paid to the student's institution after the student successfully completes the second third of the approved program of study, as determined by the Department. Finally, the remaining 50% of the amount calculated must be paid to the student's institution after the student successfully completes the final third of the approved program of study, as determined by the Department.

### **Funding for associated services**

The act permits each approved institution to use the amount that is "in addition to the student's career pathway training amount and the student's work readiness training amount" for the associated services of the approved program of study. The act specifies that these services include counseling, advising, assessment, and other services as determined or required by the Department.

### **Rules**

Law unchanged by the act requires the state Superintendent, in consultation with the Chancellor, to adopt rules for the implementation of the program, including the requirements for applying for program approval. The act specifies that these rules must also address all of the following:

(1) The requirements for obtaining a high school diploma through the program, including the requirement to obtain a passing score on an assessment that is appropriate for the career pathway training program that is being completed by the student and the date on which these requirements take effect;



(2) The assessment or assessments that may be used to complete the assessment requirement for each career pathway training program and the score that must be obtained on each assessment in order to pass the assessment;

(3) Guidelines regarding the funding of the program, including a method of funding for students who transfer from one approved institution to another approved institution prior to completing an approved program of study;

(4) Circumstances under which a student may be charged for tuition, supplies, or associated fees while enrolled in an approved institution's approved program of study;

(5) A requirement that a student may not be charged for tuition, supplies, or associated fees while enrolled in an approved institution's approved program of study except in the circumstances described in the rules; and

(6) The payment of federal funds that are to be used by approved programs of study at approved institutions.

### **Enrollment of individuals age 22 and up**

(R.C. 3314.38, 3317.23, 3317.231, 3317.24, and 3345.86; Section 733.20 of H.B. 483 of the 130th General Assembly repealed in Section 690.10)

Under separate provisions of continuing law, an individual age 22 and above who has not received a high school diploma or a certificate of high school equivalence (an "eligible individual") may enroll in any of the following for the purpose of earning a high school diploma:

(1) A city, local, or exempted village school district that operates a dropout prevention and recovery program;

(2) A community school that operates a dropout prevention and recovery program;

(3) A joint vocational school district (JVSD) that operates an adult education program;

(4) A community college, university branch, technical college, or state community college.

The act makes several modifications to these provisions, as described below.

### **Time period of enrollment**

The act specifies that eligible individuals may enroll in dropout prevention and recovery programs and community colleges, university branches, technical colleges, and state community colleges for up to two *consecutive* school years, rather than two cumulative school years as under prior law. It does not, however, change the provisions of continuing law specifying that students enrolled in adult education programs at JVSDs may enroll for up to two *cumulative* school years.

### **Program of study**

The act specifies that eligible individuals may elect to earn a high school diploma by successfully completing a competency-based educational program, rather than a competency-based instructional program as under prior law.

A "competency-based educational program" is defined by the act as any system of academic instruction, assessment, grading, and reporting where students receive credit based on demonstrations and assessments of their learning rather than the amount of time they spend studying a subject. The program must encourage accelerated learning among students who master academic materials quickly while providing additional instructional support time for students who need it.

### **Funding**

The act specifies that the Department must annually pay to a school district, school, community college, university branch, technical college, or state community college for each eligible individual enrolled up to \$5,000, as determined by the Department based on the individual's successful completion of the graduation requirements prescribed under continuing law.

Under prior law, the Department was required to annually pay \$5,000 times the individual's enrollment on a full-time equivalency basis times the portion of the school year in which the individual was enrolled expressed as a percentage.

### **Issuance of high school diploma**

If an eligible individual enrolls in a JVSD, community college, university branch, technical college, or state community college and completes the requirements to earn a high school diploma in the manner provided in continuing law, the JVSD or institution must certify the completion of those requirements to the city, local, or exempted village school district in which the individual resides, which then must issue a diploma to the





individual. The act specifies that, in this scenario, the school district must issue a diploma *within sixty days of receiving the certification* from the JVSD or institution.

### **Rules**

The act requires the Department, rather than the State Board, to adopt rules regarding the enrollment of eligible individuals.

### **Report**

The act repeals a requirement that the Department, by December 31, 2015, prepare and submit a report to the General Assembly regarding services provided to individuals ages 22 and above under the provisions described above.

### **Out-of-state STEM school students**

(R.C. 3326.10, 3326.101, 3326.32, and 3326.50)

The act permits STEM schools to admit, on a tuition basis, individuals who are not residents of Ohio. Under prior law, such individuals were explicitly not permitted to enroll in a STEM school. If a STEM school admits an out-of-state student, the act requires the school to charge tuition for that student in an amount equal to the amount of state funds that the school would have received for the student if the student were a resident of Ohio, as calculated by the Department. Additionally, the act prohibits a STEM school from receiving any state funds for an out-of-state student. Finally, the act requires a STEM school to report the total number of students enrolled in the school who are not residents of Ohio and any additional information regarding those students that the Department requires the school to report.

### **Diplomas for home-schooled and nonchartered nonpublic school students**

(R.C. 3313.6110)

The act specifies that a person who has completed the final year of instruction at home and has successfully fulfilled the high school curriculum may be granted a high school diploma by that person's parent, guardian, or custodian. It further states that a diploma issued on or after July 1, 2015, must contain either: (1) a certification signed by the superintendent of the school district in which the person is entitled to attend school or (2) the official letter of excuse issued by the district superintendent for the student's final year of home education. If the diploma includes a signed certification, the certification must include the following statement:

I certify that the student named in this diploma and the student's parent have complied with division (A)(2) of



section 3321.04 of the Ohio Revised Code regarding instruction at home and the related rules of the Ohio State Board of Education.

The act requires a district superintendent to sign the diploma if the student and the parent have complied with the home instruction requirements.

The act also specifies that a person who has graduated from a nonchartered nonpublic school in the state and who has successfully fulfilled the high school curriculum may be granted a high school diploma by the governing authority of that school.

The act states that such a diploma serves as proof of successful completion of that person's applicable high school curriculum and fulfills any legal requirement that requires proof of a high school diploma. Further, that diploma is considered proof of completion of high school for purposes of application for employment. This is regardless of whether the diploma holder participated in the state achievement assessments, Ohio Graduation Test (OGT), or the College and Work-Ready Assessment System.

### **Provision of health care services to students**

(R.C. 3313.68, 3313.72, and 3313.721; conforming changes in R.C. 3314.03(A)(11)(d), 3326.11, and 3328.24)

The act permits the board or governing authority of a school district, educational service center (ESC), community school, STEM school, or college-preparatory boarding school to enter into a contract with a hospital, an appropriately licensed health care provider, a federally qualified health center, or a federally qualified health center "look-alike" to provide health services to students, if those health services are specifically authorized by Ohio law. It also permits a district board to enter into such a contract in lieu of appointing a school physician or dentist or contracting with an ESC for the services of a nurse to provide diabetes care to students.

If the board or governing authority enters into such a contract, the act specifically exempts employees of the hospital, the health care provider, the federally qualified health center, or the federally qualified health center look-alike who are providing the services of a nurse under the contract from any requirement to obtain a school nurse license or a school nurse wellness coordinator license issued by the State Board. The act also exempts those employees from any requirement prescribed by rule of the State Board related to either license. On the other hand, the act specifies that they must, at a minimum, hold a credential equivalent to being licensed as a Registered Nurse or Licensed Practical Nurse.



## **Site-based management councils**

(Repealed R.C. 3313.473)

The act repeals the law requiring each school district having a total student count of 5,000 or more to designate one school building to be operated by a site-based management council, unless the district received on its most recent state report card an "A" or "B" for the performance index score and the value-added dimension or an "A" or "B" for the overall grade.

## **Student transportation**

### **Transportation of nonpublic and community school students**

(R.C. 3327.01 and 3327.02)

The act specifically provides that a school district board is not required to transport elementary or high school students to and from a nonpublic or community school on weekends, unless the board and the nonpublic or community school have an agreement in place before July 1, of the school year in which the agreement takes effect, instead of prior to July 1, 2014, as under former law.

Furthermore, the act clarifies that in the event a community school takes over the responsibility for transportation of a school district's resident students to and from the community school, the community school may determine that it is impractical to transport any one student to and from school using the same procedure, requirements, and payment structure as a school district uses to determine that it is impractical to transport that student. In such case, the school must make a payment in lieu of transportation to parent, guardian, or custodian of the student.

### **District resolution declaring student transportation impractical**

(R.C. 3327.02)

The act removes a provision requiring that, if a district board passes a resolution declaring a student's transportation impractical, the board also must submit the resolution for concurrence to the educational service center (ESC) containing the district's territory. The act also removes a provision specifying that, upon receiving the resolution:

(1) If the ESC disagrees with the board and considers the student's transportation practical, the ESC must inform the district board and the board must provide the transportation.



(2) If the ESC agrees with the board and considers the student's transportation impractical, the board may offer payment in lieu of transportation.

### **School Transportation Joint Task Force**

(Section 263.560)

The act creates the School Transportation Joint Task Force consisting of members appointed equally by the Speaker of the House of Representatives and by the President of the Senate. The members must appoint a chair and vice-chair, who must be members of the General Assembly.

The Task Force must study and make recommendations to the General Assembly by February 1, 2016, on the following:

(1) The appropriate funding formula to assist school districts with the transportation of students to public and nonpublic schools; and

(2) The appropriate relationship, duties, and responsibilities between school districts, community schools, and nonpublic schools with regard to student transportation.

The act also requires all state agencies to provide assistance to the Task Force as is requested by the Task Force.

### **JVSD board membership**

(R.C. 3311.19 and 3311.191)

The act provides that the term of office for a specific type of joint vocational school district (JVSD) board member be for one year, instead of three as required under former law. This term applies in the case of a JVSD board to which both of the following apply:

(1) The JVSD board has an even number of member districts; and

(2) The JVSD board has a plan on file with the Department that provides for an additional member to be appointed on a rotating basis by one of the appointing boards.

Under the act, if such a member was appointed on or after September 29, 2013, that member may continue in office until the expiration of the member's current term of office (three years). If the member vacates that office for any reason prior to the expiration of the member's term, the act requires that the new replacement member be appointed to serve for the remainder of the vacating member's term. Once that term expires, the term of office thereafter is one year.



## **JVSD transition agreement**

(R.C. 3311.221)

The act requires a JVSD that gains territory on or after January 1, 2015, due to an "eligible school district transfer" to enter into a two-year transition agreement with the JVSD that lost the territory gained by the other JVSD due to the transfer. An "eligible school district transfer" means the transfer, by June 30, 2015, of the entire territory of a "local" school district that has fewer than 500 students to another, contiguous "local" school district with the same educational service center that results in the cancellation of the amount owed to the State Solvency Assistance Fund by either or both local districts under a temporary provision of continuing law enacted in 2014.<sup>64</sup>

The act specifies that the transition agreement must require all of the following:

(1) Each student of the local school district that is transferred who is enrolled, at the time of the transfer, in the JVSD that lost territory must remain enrolled in that JVSD for the remainder of the student's secondary education, so long as the student is enrolled in the local school district that received territory in the transfer and continues to enroll in a career-technical program.

(2) In the first year following the transfer, the JVSD that gains territory must pay the JVSD that lost territory 100% of the revenue collected from taxes levied by the JVSD that gains territory for the transferred portion of the district.

(3) In the second year following the transfer, the JVSD that gains territory must pay the JVSD that lost territory 50% of the revenue collected from taxes levied by the JVSD that gains territory for the transferred portion of the district.

Additionally, the agreement must include any other terms mutually agreed upon by both JVSDs "to ensure an orderly transition of territory that maximizes opportunities for students."

## **Approval of career-technical education programs**

(R.C. 3317.161)

Continuing law requires each city, local, or exempted village school district's, community school's, or STEM school's career-technical education programs to be approved in order for the district or school to receive state funding for the students enrolled in the program. Approval is obtained through a two-step process that involves an initial decision to approve or disapprove by the lead district of the district's or

---

<sup>64</sup> Section 7 of H.B. 487 of the 130th General Assembly, not in the act.



school's career-technical planning district (CTPD) and a review of that decision and approval by the Department, which must occur not later than May 15 prior to the first fiscal year for which the district or school is seeking funding for the program. Approval is valid for the five fiscal years following the fiscal year in which the program is approved. However, if a district or school becomes a new member of a CTPD, its programs must be approved or disapproved by the lead district of the CTPD during the fiscal year in which the district or school becomes a member of the CTPD even if the five-year approval period has not yet expired. A program's approval is subject to annual review and may be renewed at the end of the five-year approval period.

The act permits the state Superintendent to adopt guidelines identifying circumstances in which the Department, after consulting with the lead district of a CTPD, may approve or disapprove a district's or school's career-technical education program after the prescribed deadline has passed.

### **Expenses related to abolishing an educational service center**

(Section 263.610)

In the case of an educational service center (ESC) governing board that is abolished in accordance with continuing law by July 1, 2015, the act prohibits the assessment against any client school districts of the ESC of any indebtedness to the Department of Education for expenses related to the dissolution that exceed the available assets of the ESC. A "client school district" of an ESC is a city, exempted village, or local school district that had entered into an agreement to receive any services from the ESC.

Under continuing law, the state Superintendent may assess against the remaining assets of an ESC that is abolished the amount of the costs incurred by the Department in performing the Superintendent's duties related to the dissolution, including the fees, if any, owed to the individual appointed to administer the Superintendent's dissolution order for the ESC. After assessing that amount against the remaining assets of the ESC, any excess cost must be divided equitably among the school districts that were client school districts of the ESC for its last fiscal year of operation. The law provides for the dissolution of an ESC if all of its client districts have terminated their service agreements with the ESC.<sup>65</sup>

---

<sup>65</sup> R.C. 3311.0510, not in the act.



## **Transfer of student records**

(R.C. 3319.323)

The act prohibits a school district or school from altering, truncating, or redacting any part of a student's record so that any information on the record is rendered unreadable or unintelligible during the course of transferring that record to an educational institution for a legitimate educational purpose. Under continuing state and federal law, release without consent of personally identifiable student data is permitted for several prescribed purposes, one of which is the release to other school officials, including teachers, within the agency or institution who have a legitimate educational interest in or purpose for that information.<sup>66</sup>

## **Healthy Choices for Healthy Children Council**

(R.C. 3301.92 and 3301.921 (repealed); conforming changes in R.C. 3301.922, 3301.923, and 3313.674)

The act abolishes the Healthy Choices for Healthy Children Council.

The Council (1) monitored progress in improving student health and wellness, (2) made periodic policy recommendations to the State Board regarding ways to improve the nutritional standards for food and beverages for sale at schools, (3) made recommendations for changes to nutritional standards in response to federal regulatory revisions, (4) made periodic recommendations to the Department for the development of a clearinghouse of best practices in the areas of student nutrition, physical activity for students, and body mass index screenings, and (5) reviewed developments in science and nutrition.

## **Contracting for academic remediation and intervention**

(R.C. 3313.6010)

The act specifically permits a school district to contract with public and private entities for the purpose of providing academic remediation and intervention services, outside of regular school hours, to students in *any* grade in the subjects of math, science, reading, writing, or social studies.

Prior law limited such contracts for remediation and intervention services in those subject areas to services for only grades 1 through 6. It also required the State Board to adopt rules for the contracts.

---

<sup>66</sup> 20 U.S.C. 1232g and R.C. 3319.321, not in the act.





## Ohio Teacher of the Year award

(R.C. 3319.67)

The act permits the State Board to establish an annual Teacher of the Year recognition program for outstanding teachers. Under the act, a teacher who is recognized as a Teacher of the Year may accept gifts and privileges as part of the recognition program. Further, the act permits a person or entity to make a voluntary contribution to the recognition program.

